

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

3 -----
4 UNITED STATES OF AMERICA,

5 -versus-

08-CR-77

6 LINDA O'CONNOR and DEAN SACCO.
7 -----

8 TRANSCRIPT OF JURY TRIAL

9 held in and for the United States District Court,
10 Northern District of New York, at the Federal Building and
11 Courthouse, 15 Henry Street, Binghamton, New York, on
12 THURSDAY, May 8, 2008, before the HON. THOMAS J. McAVOY,
13 Senior United States District Court Judge, PRESIDING.

14 APPEARANCES:

15 FOR THE GOVERNMENT:

16 UNITED STATES ATTORNEY'S OFFICE

17 BY: MIROSLAV LOVRIC, AUSA

18 Binghamton, New York

19 FOR THE DEFENDANT O'CONNOR:

20 FEDERAL PUBLIC DEFENDER'S OFFICE

21 BY: LISA PEEBLES, AFPD

22 Syracuse, New York

23 FOR THE DEFENDANT SACCO:

24 KELLY FISCHER, ESQ.

25 Binghamton, New York

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1 (Jury present).

2 THE COURT: Morning, ladies and gentlemen. I
3 think we're going to hear a little bit more from Sergeant
4 Blenis this morning. You don't have to be resworn, you're
5 still under oath, Sergeant. Do we have anymore technical
6 difficulties? Those of you who are laughing must have read
7 the newspaper. No?

8 A JUROR: I don't get it.

9 THE COURT: I apologize for a mistake. All
10 right. Where are you, Mr. Lovric?

11 MR. LOVRIC: I believe, Judge, we're going to
12 continue playing Government Exhibit 89, the videotape.

13 THE COURT: We cut that off, that's right.

14 MR. LOVRIC: We stopped at page 20.

15 THE COURT: Okay. We'll count on the clerk to
16 find the right spot.

17 MR. LOVRIC: Okay, Judge. We're at the bottom
18 of page 19 right now.

19 THE COURT: Okay.

20 MR. LOVRIC: That last sentence was bottom of
21 page 19 so that should now start with where we left off
22 yesterday approximately.

23 THE COURT: Okay.

24 (Continuation of Government Exhibit 89)

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1 BY MR. LOVRIC:

2 Q Sergeant Blenis, at the very end of that interview,
3 although it wasn't reflected on that transcript, does Shannon
4 describe at the very end of that interview how she came about
5 to first tell a teacher?

6 A In the first interview she said that she made a
7 disclosure to a teacher at Perry Brown school.

8 Q Okay. The first time you spoke to her?

9 A Yes.

10 Q I was referring to this tape that we were just
11 watching, at the very end she's talking about a teacher and a
12 class. Is that where she's describing how she told her
13 teacher?

14 A Yes.

15 Q The interview we just watched on video, that
16 occurred on December 5 of 2007?

17 A Yes.

18 Q And at that time Shannon was in whose custody?

19 A She was in the custody of the Binghamton
20 Psychiatric Center.

21 Q The Crisis Center that you identified yesterday?

22 A Yes.

23 Q And at this point in time, in connection with your
24 investigation, have you at this point in time December of
25 2007 commenced to conduct an additional investigation, in

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1 addition to the Dean Sacco matter that you were
2 investigating?

3 A Yes. It was the second interview I had.

4 Q I'm sorry?

5 A As of the second interview, the October interview.

6 Q Okay. And who was it that you were then going to
7 commence investigating and looking into in terms of
8 allegations made by Shannon O'Connor?

9 A Linda O'Connor.

10 Q Now, shortly after this December 7 interview, did
11 the FBI become involved in this investigation?

12 A No.

13 Q December 2007. Well, at some point after this
14 interview did the FBI get involved?

15 A Yes.

16 Q When was that approximately?

17 A It wasn't until February, beginning of January.

18 Q What year?

19 A 2008.

20 Q Okay. So sometime in the early part of 2008?

21 A Yes.

22 Q Now, did you become aware, at some point after the
23 FBI became involved, of the arrest of Linda O'Connor and Dean
24 Sacco by the FBI?

25 A Yes.

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1 Q Approximately when were they arrested?

2 A February 10.

3 Q Of 2008?

4 A 2008.

5 Q Okay. Now, in connection with -- let me rephrase
6 that. In terms of, once the FBI became involved in the
7 investigation, were you still a part of the investigative
8 team that was working and gathering information?

9 A Yes.

10 Q Okay. And subsequent to the FBI becoming involved,
11 did you actually conduct and participate in a search warrant
12 at 14 Miller Street?

13 A Yes, I did.

14 Q Now, whose residence was 14 Miller Street --

15 A Fourteen.

16 Q -- on the date that you did the search warrant?

17 A That would be the apartment of Linda O'Connor.

18 Q And approximately when was it that the search
19 warrant was conducted?

20 A February 12 in the afternoon.

21 Q And I take it you were present?

22 A Yes, I was.

23 Q Now, Sergeant Blenis, in connection with that
24 search warrant, did you take with you, pursuant to the
25 warrant, materials and items that you found in that

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1 apartment?

2 A Yes, I did.

3 Q What I'd like to do at this point, Sergeant Blenis,
4 I'd like to show you Exhibits 3 through 9 in one batch and
5 then 10 through 12 in another batch and I'll talk about each
6 exhibit individually but I just want to identify them first.

7 MR. LOVRIC: I'll just let counsel look at
8 them first if that's okay.

9 THE COURT: All right.

10 MR. FISCHER: Your Honor, are they being
11 offered at this time?

12 THE COURT: I think he's going to try to
13 identify them through the witness and then maybe he's going
14 to try to offer them. I don't know.

15 MR. LOVRIC: That's correct, Judge.

16 BY MR. LOVRIC:

17 Q Sergeant Blenis, I'm going to hand you two stacks.
18 If you can keep them in the two stacks that I give to you and
19 then we're going to talk about them. Sergeant Blenis, if you
20 could first look at the stack numbered 3 through 9, if you
21 take a look at those. Okay. Three through 9, you recognize
22 those items?

23 A Yes.

24 Q What are they generally speaking?

25 A They are photographs of Shannon O'Connor and those

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1 were secured as evidence from 14 Miller Street.

2 Q Okay. Exhibits 3 through 9, where do they come
3 from, where were they found?

4 A They were in a packet of photographs.

5 Q At which house?

6 A At 14 Miller Street.

7 Q So during the search warrant?

8 A Yes.

9 Q Okay. And are those photographs 3 through 9, they
10 appear the same way when you recovered them from 14 Miller
11 Street?

12 A Yes.

13 MR. LOVRIC: Judge, I can have him identify
14 each photo or I can do them after I offer them into evidence.

15 THE COURT: Why don't you offer them and see
16 if there's an objection, then we can go back and go one
17 through one.

18 MR. LOVRIC: I'll offer Exhibits 3 through 9
19 in evidence.

20 MISS PEEBLES: No objection.

21 MR. FISCHER: No.

22 THE COURT: Receive Government's 3 through 9
23 in evidence.

24 BY MR. LOVRIC:

25 Q Sergeant Blenis, I think the easiest way is --

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1 Sergeant Blenis, if I could retrieve Exhibits 3 through 9.
2 The photos I'm going to put on the monitor, I'll start with
3 Exhibit 3 and then we'll identify what it is or what it shows
4 for the record and again indicate these all came out of 14
5 Miller Street, correct?

6 A Correct.

7 Q Okay. I'll put on the screen Exhibit number 3.
8 Okay. Exhibit 3, Sergeant Blenis, just for the record, it
9 shows what in that picture?

10 A Shannon O'Connor.

11 Q I'll put up Exhibit 4. It shows what in that
12 picture, Exhibit 4?

13 A Shannon O'Connor.

14 Q Okay. And then she's holding up two fingers just
15 to identify it differently than Exhibit 3?

16 A Right.

17 Q Exhibit 5 I'm putting on the screen now. It shows
18 what generally in the picture?

19 A Shannon O'Connor jumping on the bed.

20 Q Exhibit 6 I'm putting on the screen, it shows
21 generally what?

22 A Shannon O'Connor laying on the bed.

23 Q Exhibit 7 I'm putting on the screen now.

24 A That would be Linda O'Connor.

25 Q Exhibit 8 on the screen now.

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1 A Linda O'Connor.

2 Q Sitting in much dimmer lighting than picture 7?

3 A Yes.

4 Q Exhibit 9 on the screen?

5 A Linda O'Connor.

6 Q Now, in front of you you have Exhibits 10 through
7 12. Where were those recovered from?

8 A Those were also recovered from 14 Miller Street.

9 Q Are those the actual photos that you found at that
10 apartment?

11 A Yes.

12 MR. LOVRIC: I would offer Exhibits 10 through
13 12 in evidence.

14 MR. FISCHER: No objection.

15 MISS PEEBLES: No objection.

16 THE COURT: Receive Government's 10 through 12
17 in evidence.

18 MR. LOVRIC: If I, can just take those from
19 you, Sergeant.

20 BY MR. LOVRIC:

21 Q Putting on the screen now Exhibit 10 in evidence
22 and that shows a picture of what, what's pictured in that?

23 A Two different types of computers, bed frame.

24 Q Putting on the screen now Exhibit number 11, and it
25 shows, generally speaking, what's shown in that photograph?

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1 A Front porch of the residence with people.

2 Q And Exhibit number 12 I'm putting on the screen
3 now, what does that show generally?

4 A Curbing with refuse.

5 Q And in the back of this photograph where I'm
6 pointing to right now, actually a river right there by the --
7 near the road side?

8 A Yes.

9 Q Sergeant Blenis, in connection with this
10 investigation, did you also obtain records from the Norwich
11 Family YMCA?

12 A Yes, I did.

13 Q Okay. I'd like to show you what's marked as
14 Government's Exhibit number 13 for identification.

15 MR. FISCHER: No objection, your Honor. Thank
16 you.

17 THE COURT: Okay. We'll receive Government's
18 13 in evidence.

19 Q I'll show these to you, Sergeant Blenis. You've
20 seen these before, right?

21 A Yes.

22 Q These -- Exhibit 13 are the records you obtained
23 from the YMCA?

24 A Yes.

25 Q I'm going to put it up on the camera. The first

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1 page of Exhibit 13 shows what, Sergeant Blenis, on those
2 records?

3 A It shows the name of Dean Sacco, his address, phone
4 number, work phone, date of birth.

5 Q Okay. Does that read membership application?

6 A Yes.

7 Q Then just briefly page 2, some information there
8 about a contact person or contact information?

9 A Yes. Marcus Monroe.

10 Q And page 3 of Exhibit 13, does it indicate further
11 payment information regarding this application?

12 A Yes, it does.

13 Q And at the middle of that page, is there -- bears a
14 signature and a date?

15 A Yes.

16 Q What I'm pointing to right now?

17 A Yes, it does.

18 Q Does that appear to be at least a name Dean Michael
19 Sacco?

20 A Yes.

21 Q And the date is 01 September of 2006?

22 A Yes.

23 Q Now, page -- I'm sorry, I lost count. Page 4 of
24 Exhibit 13, I just want to zoom a little bit in on that,
25 Sergeant Blenis. Okay. Now, page 4 and then the next page

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1 which we'll look at page 5 in a second. What does that
2 contain on that document?

3 A That would be the dates and times that there was
4 use at the YMCA by Dean Sacco.

5 Q Okay. Now, are you familiar with the Y that we're
6 referring to here, the YMCA in Norwich?

7 A Yes, I am.

8 Q And members that become members there, how do they
9 gain access to the Y coming in and out?

10 A Members are issued a card and what they do upon
11 entry is they make contact at the desk and they swipe the
12 card at a card swipe at the desk and then go in.

13 Q With some type of electronic card?

14 A Yes.

15 Q Okay. And then I take it this record shows the
16 swiping of the card the date and times?

17 A Yes.

18 Q And on the very top it indicates dates from and can
19 you read that?

20 A Dates from September 1, 2006, 5:30 AM to March 17,
21 2007, 9:00 PM.

22 Q Okay. Just briefly flipping back to the third
23 page. This membership started as of September 1, 2006?

24 A That's correct.

25 Q And then on this fifth page that we're looking at

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1 right now, it indicates the first swipe being September 13 of
2 2006?

3 A That's correct.

4 Q I'm just going to roll the page down and then on
5 that -- the last entry on the -- the last entry on the fourth
6 page of this document has a date of what that you're looking
7 at right now, the last entry on this page?

8 A February 25, 2007.

9 Q Okay. And then I'm going to flip to the last page
10 of Exhibit 13 which is page 5, and it has a final entry of
11 what date?

12 A March 5, 2007.

13 Q And then there are no further entries after that?

14 A No.

15 Q Is that correct?

16 A That's correct.

17 Q Sergeant Blenis, in the course of your
18 participation in the investigation, did you also acquire a
19 phone number for Linda O'Connor, a TracFone number?

20 A Yes, I did.

21 Q Do you know that number or do you have anything
22 that you can use to refresh your recollection as to that
23 phone number?

24 A The TracFone number that we had a record of for
25 Linda O'Connor was 372-9820.

1 Q That's what area code?

2 A 607.

3 MR. LOVRIC: Those are all the questions I
4 have at this time, your Honor.

5 THE COURT: Okay. Mr. Fischer.

6 MR. FISCHER: Thank you, your Honor.

7 CROSS-EXAMINATION

8 BY MR. FISCHER:

9 Q Good morning. My name is Kelly Fischer. I
10 represent Dean Sacco.

11 A Good morning.

12 Q You brought with you a folder of documents, you
13 brought that same folder with you yesterday?

14 A Yes.

15 Q Did you review those documents that are in that
16 folder before testifying?

17 A Yes.

18 Q All right. And did you review any other documents
19 other than what is in that folder in preparation for your
20 testimony?

21 A Yes.

22 Q What else did you review?

23 A Case files.

24 Q Where did you review those?

25 A Between my office, my home and here.

1 Q Can you identify, please, what case files, other
2 than your folder, you reviewed in coming -- before coming to
3 testify?

4 A I reviewed case file 987 and 5687.

5 Q What's in those files?

6 A That would be the first arrest of Dean Sacco, the
7 first investigation I did and then the second case file would
8 be the investigation dealing with Linda O'Connor that started
9 on October 29.

10 Q When you say the first case file concerning the
11 arrest of Dean Sacco, what's in that file?

12 A In that case file there would be notes for the
13 investigation. There would be a chronology of what steps I
14 took. There would be the arrest information. There would be
15 warrant information from the arrest warrants.

16 Q I have photocopies of documents that I believe came
17 from your file, five pages it appears of typed documents with
18 some handwriting.

19 MR. FISCHER: And I'll mark those if I may,
20 please.

21 THE CLERK: Court marks Defendant Sacco's
22 Exhibit S-1.

23 Q Sir, I'll show you Exhibit S-1. Can you identify
24 that?

25 A Yes.

1 Q What is that?

2 A Those are notes I made to outline the case.

3 Q Now, those are notes that are in this file that you
4 brought with you, am I correct?

5 A Yes.

6 Q They're actually photocopies of your original
7 notes?

8 A Yes.

9 Q All right. The notes that are in the folders that
10 you reviewed before coming here to testify are different than
11 those notes, S-1?

12 A It's a breakdown of the case file to this.

13 Q Can you explain to me what that means, please.

14 A Basically summarized two case files and put key
15 points down on it.

16 Q So Exhibit S-1 is your summary based upon your
17 review of other files?

18 A Yes.

19 Q I understand. I understand. May I take that back,
20 please? Thank you. When did you prepare Exhibit S-1?

21 A I believe last weekend.

22 Q Before preparing S-1, you were made aware that you
23 were going to come and testify?

24 A Yes.

25 Q Who spoke with you about that, if anybody?

1 A The US Attorney.

2 Q Mr. Lovric?

3 A Yes.

4 Q Did you and Mr. Lovric sit down and have
5 conversations about this case in preparation for your coming
6 here to testify?

7 A Yes, we had trial preparation.

8 Q When was that?

9 A It's been over the course of the last couple of
10 weeks.

11 Q How many times have you met with Mr. Lovric
12 personally in preparing for your testimony?

13 A More than three.

14 Q Where?

15 A Here.

16 Q How much time have you spent in doing that?

17 A More than a few hours.

18 Q Other than the materials in your case file that you
19 have at home and your office, did you review any other
20 documents during those occasions to prepare yourself to come
21 and testify here?

22 A No. These are the only documents I've looked at.

23 Q Let me go to the first occasion when you were made
24 aware of any allegations by Shannon O'Connor against Mr.
25 Sacco. Was that on March 2 of 2007?

1 A Could you repeat the question.

2 Q Was March 2 of 2007 the first time you became aware
3 of any allegations made by Shannon O'Connor against Dean
4 Sacco?

5 A Yes.

6 Q Who made those known to you?

7 A Elizabeth Chesebro from DSS.

8 Q How did she do that?

9 A She made a phone call to me and then there was
10 arrangements made for her to come to the office with Shannon
11 so I could interview her.

12 Q So she brought Shannon to your office?

13 A Yes.

14 Q When Shannon and Miss Chesebro arrived at your
15 office, what's the first thing you did?

16 A I met them at the door and then I brought them
17 upstairs.

18 Q There's an office upstairs or a room where you met
19 with them?

20 A Yes.

21 Q Do you have video recording equipment at the
22 Norwich Police Department that you could have used to record
23 that interview?

24 A No.

25 Q Do you have audio recording devices that you could

1 have used available at the Norwich Police Department at that
2 time to record your first interview with Shannon O'Connor
3 concerning these allegations?

4 A Yes.

5 Q Did you use those?

6 A No, I did not.

7 Q How long did that first interview last before --
8 withdraw that. How long did that first interview last?

9 A It was more than an hour.

10 Q Did you create any writings as a result of that
11 interview?

12 A Yes, I did. I took a written statement from her.

13 Q Okay. Did you spend an hour speaking with her
14 before preparing the written statement?

15 A Yes.

16 Q All right. Did you make any notes, handwritten
17 notes or typewritten notes concerning the conversations you
18 were having while you were having them during that first hour
19 of the interview?

20 A I believe I took notes, yes.

21 Q Okay. Where are those?

22 A They should be part of the case file.

23 Q Back in your house or at your office?

24 A Probably at the office.

25 Q How big is that case file for Mr. Sacco?

1 A It's -- there's size to it. I couldn't give you an
2 exact size to it.

3 Q Bigger than a banker's box?

4 A No.

5 Q But you didn't bring that with you here?

6 A I do have it, yes.

7 Q You do have it here?

8 A Yes.

9 Q May I look at it, please?

10 A It's not with me in person. It's upstairs where I
11 can get it.

12 Q In the US Attorney's Office?

13 A Yes.

14 MR. FISCHER: Your Honor, I'll make a request,
15 reserve the right at the right time later on to review those
16 documents.

17 THE COURT: Certainly. The Court will reserve
18 your right to review those documents when we take a break in
19 a short period of time.

20 Q The written statement that you prepared as a result
21 of your interview with Miss O'Connor the first time you met
22 with her, was that a written statement that you typed up or
23 was that a written statement that Miss O'Connor wrote out in
24 her own handwriting?

25 A No. That was her words reduced to summary and put

1 in writing.

2 Q It's the selection of words that you chose and you
3 typed those in, am I correct?

4 A No. Again, it's a reduction of what she said
5 reduced to summary which was put in writing.

6 Q She didn't type those up, did she?

7 A I typed those.

8 Q You typed them?

9 A Yes.

10 Q Just you and Miss Chesebro and Shannon O'Connor
11 were present during the interview, am I correct?

12 A That's correct.

13 Q Did she sign the statement?

14 A Yes, she did.

15 Q Did she make any changes to it?

16 A I don't believe she did.

17 Q What did you do next?

18 A I set up a time for her or I tried to set up a time
19 for her so she could have an exam done.

20 Q Okay. And when you did that she was still present?

21 A No.

22 Q What did you do next with respect to investigating
23 this matter?

24 A I started looking into Dean Sacco's background.

25 Q How did you do that, what did you do?

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1 A What did I do?

2 Q What did you do.

3 A I ran a criminal history on him.

4 Q What else did you do?

5 A I looked for records at city government.

6 Q What records did you look for at city government?

7 A The information having to do with 45 Fair Street.

8 Q And what did you discover in that connection?

9 A That he was the landlord at 45 Fair Street.

10 Q Were you able to determine that he purchased that
11 45 Fair Street property in approximately August of 2005?

12 A I'd have to look at those notes.

13 Q Is that consistent with your recollection?

14 A I'm not sure.

15 Q What did you do next?

16 A I actually went on the web site for New Jersey
17 DOC.

18 Q When did you do these things?

19 A Within the short time after speaking with Shannon.

20 Q On the same day, March 2, 2007?

21 A No, within that week.

22 Q What was the next thing you did?

23 A The next thing I believe we waited for, for her to
24 have her exam which happened around March 12 and then we were
25 trying to decide how we were going to get ahold of Mr. Sacco

1 and after conferring with the DA, it was decided that we
2 would try some phone calls to Mr. Sacco.

3 Q This was based upon conversations with Mr. Joseph
4 McBride, the Chenango County District Attorney, am I correct?

5 A I believe it was ADA Dunshee, D-U-N-S-H-E-E.

6 Q Did you make arrangements to make those phone
7 calls?

8 A Yes.

9 Q What arrangements did you make?

10 A I contacted Miss Chesebro and asked her to bring
11 Shannon in so we could make some phone calls.

12 Q And she came in when, on March 14?

13 A Yes.

14 Q Did you perform any other investigation prior to
15 March 14?

16 A Other than doing the background on Mr. Sacco.

17 Q The things that we've discussed?

18 A Yes.

19 Q On March 14 you have the recording equipment at the
20 Norwich Police Department?

21 A Yes.

22 Q What equipment did you have?

23 A I had to borrow a micro -- it was called a pearl
24 recorder. I borrowed it from the State Police in Norwich.

25 Q How does a pearl recorder work?

1 A What you do is you set it up for recording. It's a
2 small cassette type. You wear an earpiece in the ear and
3 while you're talking on the telephone, that will record the
4 conversation that you have.

5 Q So you set this up before Miss O'Connor arrived at
6 your offices?

7 A Yes.

8 Q And did you test it?

9 A Yes.

10 Q Did it work?

11 A At the time, yes.

12 Q What did you do to test it?

13 A Spoke into it. Played it back.

14 Q When -- what time did Miss O'Connor arrive at your
15 office to conduct these phone calls?

16 A Around 5 PM.

17 Q Did you have any conversation with her or Miss
18 Chesebro when they arrived and before placing the phone
19 calls?

20 A Yes.

21 Q What conversation did you have?

22 A Explained to Shannon what we wanted to do. We told
23 her we wanted to make controlled calls to Dean. We gave her
24 a little bit of a script to follow and told her that, you
25 know, to follow the script and also to engage Mr. Sacco

1 freely in conversation.

2 Q Did you tell her what you meant by controlled phone
3 calls?

4 A Yes. Recorded phone call.

5 Q Is that what you meant when you said controlled
6 phone calls, just that they were recorded?

7 A Recorded, the purpose I believe we told her was to
8 get Mr. Sacco to make some type of admission.

9 Q So your objective was to have Mr. Sacco admit to
10 sexual relationship with Shannon during that phone call?

11 A Yes.

12 Q Now, up to this point then, it was clear to you
13 that Shannon was telling the truth, am I correct?

14 A Yes he.

15 Q You believed at that point that Shannon was telling
16 the truth, am I correct?

17 A Absolutely.

18 Q When you -- before you made those phone calls with
19 Shannon did you ever undertake any investigation to determine
20 Shannon's background?

21 A I guess I don't understand the question.

22 Q Did you ever undertake any investigation of people
23 in the neighborhood to determine whether or not Shannon was
24 truthful or not truthful?

25 A No. She came to me as a victim. That's how I

1 investigate it.

2 Q So, if a victim comes to you, you assume the truth
3 of those allegations?

4 A What she told me was the truth.

5 Q You assumed what she told you was true?

6 A What she told me was true.

7 Q And you still assumed that, am I correct?

8 A What she told me is true and that's what I believe.

9 Q You weren't there, were you, sir?

10 A I don't --

11 Q When these events occurred, sir, you weren't
12 present to observe anything that did or did not happen?

13 A No.

14 Q All right. So your belief is based upon what Miss
15 O'Connor, let's say, as of March 14 when you're making these
16 phone calls, your belief in the truth of her allegations is
17 based upon what she tells you at that time, am I correct?

18 A That's correct.

19 Q You gave her a script?

20 A (Nods head).

21 Q Do you have that script with you?

22 A I actually do.

23 Q May I look at it, please?

24 THE COURT: It's a good time to take a break,
25 ladies and gentlemen.

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1 (Jury excused).

2 (Jury present).

3 THE COURT: Okay. Mr. Fischer.

4 MR. FISCHER: Thank you, your Honor, counsel.

5 BY MR. FISCHER:

6 Q Sergeant Blenis, I had an opportunity to go through
7 the documents and I pulled from that a document and if you'll
8 look through your folder I think you'll find it entitled
9 Norwich City Police Department Consent Waiver to Intercept
10 Audio Communications. Do you see that document?

11 A Yes.

12 Q All right. And it consists of eight pages, am I
13 correct?

14 A The consent to waiver is by itself but it is
15 attached to other documents so it would be eight pages.

16 Q Eight pages total in that paper clip group of
17 documents that you have in front of you now?

18 A Yes.

19 Q And I'm going to show you so we're clear, we're
20 talking about the same thing, Exhibit S-2. Can you identify
21 S-2 and compare it against the original record in your
22 folder, please.

23 A With exception to some of the notes on the back of
24 the pages, it's accurate.

25 Q There are some handwritten notes on the back of

1 your pages of your original that do not appear on Exhibit
2 S-1?

3 A That's correct.

4 Q That's what you're saying, with that exception?

5 A Yes.

6 Q Exhibit S-2 is a true copy of your original notes?

7 A With that exception.

8 Q Okay. Thank you. Pages 2 through 8 of Exhibit S-2
9 are your original. Exhibit S-2 contains typewritten, some
10 typewritten, some handwritten notes, am I correct?

11 A Yes.

12 Q The typewritten notes appear to be in two different
13 fonts, are they from two different calls?

14 A Two different calls. I don't understand the
15 question.

16 Q There were -- withdraw that. Pages 2 through 7 of
17 exhibit S-2, are these the scripts that you gave Shannon
18 O'Connor to make the phone calls?

19 A Yes.

20 Q Page 2 of that exhibit has some -- a number up top,
21 2007-987. Do you see that?

22 A Yes.

23 Q That typewritten portion of that exhibit, who
24 prepared that?

25 A I did.

1 Q When did you prepare it?

2 A Prior to Shannon coming to the police station.

3 Q So before she got there, you were all set to give
4 her this script?

5 A Yes.

6 Q Once she got there, did she go over the script
7 before she made the first phone call?

8 A Yes.

9 Q Did she make suggestions and changes to that script
10 at that time before she made the phone call?

11 A No.

12 Q There are some writings, let's say, on the second
13 page of Exhibit S-2 that starts dash, I have a problem in
14 typed letters. Do you see the handwritten portions?

15 A Yes.

16 Q Say, for example, it says about center of the page
17 on the right, I thought you might be able to help. Shannon
18 O'Connor wrote that?

19 A No.

20 Q Who wrote that?

21 A I believe Elizabeth Chesebro wrote that.

22 Q So, Liz both Chesebro at that time was also
23 suggesting ways for Mr. Sacco to admit on the telephone the
24 things that Shannon was saying he did?

25 A Yes.

Patrick Blenis - Cross

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1 Q So the rest --

2 THE COURT: Is that document in evidence?

3 MR. FISCHER: I'm sorry. No, your Honor. I
4 can offer it into evidence at this time.

5 THE COURT: If you wish, I offer Exhibit S-2.

6 MR. LOVRIC: No objection.

7 THE COURT: Receive Defendant's S-2 in
8 evidence.

9 BY MR. FISCHER:

10 Q So on that second page where it says I'm just
11 scared, whose writing is that?

12 A I believe that's Elizabeth Chesebro's.

13 Q That's not Shannon O'Connor's writing, am I
14 correct?

15 A I don't believe it is. I believe it's Elizabeth
16 Chesebro's.

17 Q If you go to the next page at the bottom where it
18 says I haven't had sex with anyone else. That appears to be
19 the same handwriting, does it also appear that way to you?

20 A Yes.

21 Q So, Elizabeth Chesebro is saying I haven't had sex
22 with anyone else, am I correct?

23 A That's the guidelines and the script that we
24 provided, yes.

25 Q Going to the next page 3/15/07 in handwriting, the

1 whole page is handwritten out, whose writing is that?

2 A That's mine.

3 Q Now, the pages that we just covered for the first
4 telephone call?

5 A Yes.

6 Q Did they also cover the second telephone call?

7 A Yes.

8 Q Were they also used during the third telephone
9 call?

10 A No.

11 Q The first telephone call, we've heard tapes here.
12 You sat through basically two sessions of recorded phone
13 calls, correct?

14 A Yes.

15 Q There was another phone call, the first phone call
16 that we did not hear, am I correct?

17 A That's correct.

18 Q That's the phone call that something happened to
19 the recording device that it didn't work, am I correct?

20 A Yes.

21 Q What happened to the recording device that it
22 didn't record that conversation?

23 A The only thing I can explain is I hooked it up
24 wrong.

25 Q Did you double check it after the first time and

1 before the second time?

2 A I don't remember.

3 Q You would remember if there was a problem with that
4 first phone call having to fix the machine before you made
5 the second phone call, wouldn't you?

6 A Again, I must have hooked it up wrong because it
7 didn't record.

8 Q That's not my question. My question is this, if
9 after the first phone call you had said it didn't record, I
10 better fix this machine, you'd remember that, wouldn't you?

11 A I believe so.

12 Q I'm going to page, it appears to be just
13 handwriting, upper right-hand corner, it appears to be
14 3/15/07 in your handwriting, am I correct?

15 A Yes.

16 Q It says at the top, I don't get you in trouble.
17 What should I tell her. This is also Elizabeth Chesebro's
18 handwriting, am I correct?

19 A You're going to have to show me which one you're
20 looking at.

21 Q I'll show you that page.

22 A I don't have that one in here. Oh, I do. It's
23 right here. Yes.

24 Q That's Miss Chesebro's handwriting?

25 A Yes.

1 Q In fact, everything on that page with the exception
2 of the date is Miss Chesebro's handwriting, am I correct?

3 A That's correct.

4 Q Let's go to another page also in your handwriting,
5 3/15/07, I'll show it to you. Can you see it?

6 A Yes.

7 Q Do you have that in front of you?

8 A Yes.

9 Q Whose handwriting appears on that page?

10 A That would be Deputy Chief Van Miles.

11 Q And Deputy Chief Van Miles wrote here, I don't want
12 you to hate me, what can I do, is that correct?

13 A Correct.

14 Q And he wrote maybe we'll get lucky and I'm not
15 pregnant, exclamation mark, right?

16 A Yes.

17 Q I'll go to page also 3/15/07, your writing. I'll
18 show you the page so we're looking literally at the same
19 page. See it?

20 A Yes.

21 Q Whose writing is on that page?

22 A That would be Deputy Chief Van Miles.

23 Q So nothing on this Exhibit S-2 is written by
24 Shannon O'Connor, am I correct?

25 A That's correct.

1 Q Do you remember, and I think we're done for the
2 moment with these if you want to set them aside. You were
3 present and could hear these conversations between Shannon
4 O'Connor and Dean Sacco on the phone when they were occurring
5 or no?

6 A No.

7 Q Well, you've been a police officer how long?

8 A Approximately 15 years.

9 Q You've had a lot of experience in interviewing
10 suspects, correct?

11 A I've had some experience, yes.

12 Q How much experience have you had in interviewing
13 suspects?

14 A Over the span of the last 15 years, anybody that
15 I've talked to that has been a suspect I've applied different
16 techniques that I've learned in school.

17 Q Thousand times?

18 A I couldn't tell you. I couldn't give you an exact
19 number.

20 Q As I heard these conversations, there are
21 recorded -- that are in evidence, Mr. Sacco tells Shannon
22 O'Connor to tell her mother about these events, about the sex
23 with Dean and about the potential for pregnancy. Did I hear
24 that right? Is that consistent with what you heard?

25 A Yes.

1 Q During these conversations Mr. Sacco, again correct
2 me if you heard this differently, says I would -- I'm sorry.
3 Miss O'Connor asks what if they ask and Mr. Sacco says I
4 would tell them the truth. Did you hear that as well?

5 A Yes.

6 Q In your opinion, is that consistent with evidence
7 of guilt?

8 MR. LOVRIC: Objection.

9 THE COURT: Sustained.

10 Q Who's Clesson Lockwood?

11 A Clesson Lockwood?

12 Q Yes, sir.

13 A He's a resident of the City of Norwich.

14 Q Where does he live?

15 A He lives at -- he lives on Silver Street. I can't
16 tell you the exact address.

17 Q Where is Silver Street in relation to 45 Fair
18 Street?

19 A It's quite a few city blocks away.

20 Q Less than a mile?

21 A I'd say, yes, less than a mile.

22 Q Did you know Mr. Lockwood before March of 2007 or
23 know of him?

24 A Yes.

25 Q How did you know of Mr. Lockwood before March of

1 2007?

2 A We interviewed him during a murder investigation.
3 It would be the Pairard (phonetic) homicide that happened
4 after September 26.

5 Q After September 26 of what year?

6 A 2007.

7 Q Did you know Mr. Lockwood before then? You
8 interviewed him before March 2, 2007, am I correct.

9 A Yes.

10 Q Mr. Lockwood has a son Tom, am I correct?

11 A Yes.

12 Q He has a disability of some sort?

13 A I don't know if it's a disability. I guess I'd
14 have to have you clarify that.

15 Q Did it appear to you in your observations of
16 Mr. Lockwood's son Tom, prior to March 2 of 2007, if you ever
17 saw him before that time, that he had a disability?

18 A There's Tom and Clesson Junior and occasionally I
19 get the two confused. I think one has a reading and writing
20 problem.

21 Q They look similar?

22 A To a point. It's just a matter of remembering
23 who's who.

24 Q What kind of work does Mr. Lockwood do?

25 A I believe he's self-employed.

1 Q Doing what?

2 A He does yard work. He does waste removal. That
3 kind of thing.

4 Q Do his sons help him?

5 A I'm not sure about that.

6 Q Mr. Lockwood worked for Mr. Sacco at 45 Fair
7 Street, correct?

8 A Yes.

9 Q You interviewed Mr. Lockwood, am I correct?

10 A Yes.

11 Q When did you interview Mr. Lockwood first?

12 A First time that I interviewed Mr. Lockwood in
13 reference to this case was either January, February of this
14 year.

15 Q Of 2008?

16 A Yes.

17 Q Did you draft or participate in drafting the arrest
18 warrant for Mr. Sacco?

19 A The arrest warrant?

20 Q Yes.

21 A Yes.

22 Q Before you did that, did you go to 45 Fair Street
23 and look around at all?

24 A Before the warrant, no.

25 Q Did you go to the area around 45 Fair Street and

1 interview anybody, any residents who lived around the area?

2 A No.

3 Q Before you drafted that arrest warrant, did you
4 reach out to Mr. and Mrs. Piper who had lived at one time at
5 45 Fair Street?

6 A No.

7 Q The arrest warrant, you listed out the charges that
8 Mr. Sacco is charged with, am I correct, during your direct
9 testimony?

10 A Yes.

11 Q Are those charges still pending?

12 A The state trial was supposed to start February 10.
13 The FBI adopted the case and I believe it's waiting in lieu
14 of what's happening here. So I guess you'd have to talk with
15 the district attorney in Chenango County. I'm not sure if he
16 totally, you know, turned the case over or not.

17 Q To the best of your knowledge, those state charges
18 have not been withdrawn, have they?

19 A To the best of my knowledge.

20 Q Did you ever speak with Miss Chesebro privately
21 concerning Shannon O'Connor?

22 A We've had conversations about her, yes.

23 Q Let's go back to March of 2007. On or before
24 March 19, the date when Mr. Sacco I understand was arrested
25 down in New Jersey, okay, did you have private conversations

1 with Miss Chesebro concerning Shannon O'Connor other than
2 getting Shannon to the police station?

3 A I don't remember.

4 Q Do you have any recollection that Miss Chesebro or
5 anybody else brought to your attention prior to March 19 of
6 2007 any concerns concerning Shannon O'Connor's emotional
7 condition?

8 A No. I don't remember.

9 Q Well as of, let's say, December 5 of 2007, you were
10 aware that Shannon O'Connor was being administered medication
11 for a psychiatric condition, am I correct?

12 A In the tapes she says she is under some type of
13 medication.

14 Q She says Trazodone, am I correct?

15 A Yes.

16 Q She said she had her dosage increased
17 50 milligrams, is that your recollection?

18 A We'd have to either look at the transcript or play.
19 I know there's a five in there.

20 Q At the time of the December 5, 2007 videotaped
21 interview, had you undertaken any investigation at that point
22 to determine what the status of Shannon O'Connor's mental
23 health was?

24 A October 29 is when I went down and interviewed her
25 at the CAC the first time and that was when I found out she

1 was in the psychiatric center.

2 Q Were you aware on or before December 5 of 2007 that
3 she was being prescribed medications other than the Trazodone
4 that she mentions in the tape recorded interview?

5 A No.

6 Q When you take a statement from a witness, isn't it
7 important to understand whether they've been taking any
8 psychotropic medication?

9 A Do you mean if they're impaired?

10 Q No. Whether they're under the influence of any
11 drugs.

12 A So you're saying impaired?

13 Q I can rephrase my question.

14 A Please.

15 Q Is it important to you to know what drugs, if any,
16 a witness took before you interviewed the witness?

17 A If they appear to be impaired, yes.

18 Q So if they don't appear to be impaired, you may
19 safely assume that there are no psychotropic meds being
20 administered, is that fair to say?

21 A No, you don't.

22 Q You don't as a matter of course inquire about that
23 issue before you take an interview from a witness, am I
24 correct?

25 A That's correct.

1 Q Of course, you had access through Miss Cheseboro to
2 some information about Shannon's background, am I correct?

3 A You'll have to repeat that.

4 Q On or before December 5 of 2007, let's say, could
5 you have gone to Miss Cheseboro and said, tell me about --
6 you knew she was in the psych center, you could have said to
7 her, tell me what the heck's going on, give me some
8 background so I'm interviewing or you're interviewing and I'm
9 speaking to you through the ear bud so I know what's going
10 on, I know what's coming, am I correct?

11 A Yes.

12 Q You didn't do that?

13 A No, I didn't.

14 Q October 29 of 2007, Shannon O'Connor makes
15 allegations concerning her mother and Dean and photographs,
16 correct?

17 A Yes.

18 Q Linda was not arrested, am I correct, until
19 February 10 of 2008, am I correct?

20 A That's correct.

21 Q Sergeant, you have not seen any photographic or
22 video images of Shannon O'Connor that are of a pornographic
23 nature discovered in connection with your investigation of
24 this matter, have you?

25 A That's correct.

Patrick Blenis - Cross

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1 MR. FISCHER: All right. Thank you. Thank
2 you.

3 THE COURT: Miss Peebles.

4 MISS PEEBLES: Thank you. May I have
5 assistance, your Honor, if there's no objection, to using
6 some of the equipment?

7 THE COURT: No. Use it.

8 MISS PEEBLES: Thank you.

9 THE COURT: Sure.

10 DIRECT EXAMINATION

11 BY MISS PEEBLES:

12 Q Morning, Sergeant.

13 A Good morning.

14 Q I'm going to start first with March 2, the
15 interview that you conducted with Miss Cheseboro and Shannon
16 O'Connor. Do you understand?

17 A Yes.

18 Q All right. You indicated that you did type up a
19 statement of what was told to you on that evening, correct?

20 A Yes.

21 Q And that information was as a result of speaking
22 with Shannon with her case worker present, correct?

23 A Yes.

24 Q And Shannon appeared to be bright, correct?

25 A Yes.

Patrick Blenis - Cross

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1 Q And articulate, correct?

2 A Yes.

3 Q In fact, you noted that in your report, correct?

4 A Yes.

5 Q Now, she provided you with a lot of detail
6 concerning her relationship with Mr. Sacco, correct?

7 A Yes.

8 Q And I'm going -- did you sign the statement that
9 you typed up?

10 A Yes.

11 Q And you and Liz Chesebro signed that statement?

12 A Yes.

13 Q And Shannon O'Connor signed that statement?

14 A Yes.

15 Q I'm going to hand you, Sergeant, what's going to be
16 marked as Defense Exhibit number 1.

17 MISS PEEBLES: And I apologize, Colleen, do
18 you have a sticker?

19 THE COURT: I think we have Defendant S-1 you
20 want to designate that as.

21 MISS PEEBLES: O-1.

22 THE COURT: That's fine.

23 MISS PEEBLES: O-1.

24 Q Sergeant, I want to ask if you can identify what's
25 now been marked as Defense Exhibit O-1?

1 A With the exception of what's highlighted, this is
2 the statement that I took -- let me rephrase that. With the
3 exception of the marker on the statement, it's the statement
4 I took on the 2nd.

5 Q That's the statement that you prepared that you
6 typed and signed, along with Shannon O'Connor and Liz
7 Cheseboro?

8 A Yes.

9 MISS PEEBLES: Your Honor, I'd like to offer
10 into evidence Defense Exhibit O-1.

11 MR. LOVRIC: No objection.

12 THE COURT: Receive Defendant's O-1 in
13 evidence.

14 Q Now, I'm going to -- showing you the first page of
15 what's been marked as Defense Exhibit O-1 and toward the
16 bottom of that page which is page 1, it states, Dean told me
17 to ask my mom to come up to his apartment and to bring a
18 board game and I asked my mom and she told me it was okay. I
19 brought the game Sorry up with me. That's what she said,
20 correct?

21 A Yes.

22 Q Looking at the second page of Exhibit 1, she states
23 on there, Dean told me that I could not make any noise
24 because my mom would hear us. Dean said this in a mean
25 voice. That's what she said, correct?

1 A Yes.

2 Q Further down on that page she also stated her mom
3 didn't come in but she yelled that her friend Brooke Parmalee
4 was at the house with her dad. Dean made me get dressed. He
5 was very nervous. That's what she said, correct?

6 A Yes.

7 Q And then in the last page she stated or last
8 paragraph, excuse me, on that page she states Dean told me to
9 ask my mom if I could come up and play cards and mom said it
10 was okay. That's what she said, correct?

11 A Yes.

12 Q And then she says I heard my mom yelling for me, I
13 got dressed and went downstairs?

14 A Yes.

15 Q That's what she said?

16 A Correct.

17 Q And the last page is Shannon O'Connor's signature,
18 Elizabeth Chesebro's signature and I assume that is your
19 signature?

20 A That is my signature.

21 Q Correct. And you believed her when she was talking
22 to you that night, correct?

23 A Yes.

24 Q And she wasn't under the influence of any kind of
25 drugs at that point, correct?

1 A That's correct.

2 Q In fact, she was rather happy because she was in
3 foster care, correct?

4 A When she came in she was nervous. She was clinging
5 to Miss Chesebro.

6 Q Did you make any notations about the fact that she
7 was in foster care?

8 A Is it on the statement?

9 Q I'm not referring to the statement.

10 A I was told she was in foster care, yes.

11 Q So you knew she was in foster care at that point,
12 correct?

13 A Yes.

14 Q And according to your notes, after speaking with
15 Miss Chesebro, you noted that she seemed to be adjusting
16 well, correct?

17 A I don't remember that.

18 Q Now, when she gave that statement in Defense
19 Exhibit O-1, she gave you quite a bit of detail, correct?

20 A Yes.

21 Q In fact, she was talking about condoms and condom
22 packaging, correct?

23 A Yes.

24 Q Now you played the -- now, Sergeant, let me ask you
25 this: After she gave you that statement, Miss O'Connor was

1 not notified, is that fair to say?

2 A That's correct.

3 Q In fact, you weren't going to tell Mrs. O'Connor
4 about that, correct?

5 A Correct.

6 Q And you didn't want to tell Mrs. O'Connor about
7 that because you didn't want to screw up the investigation,
8 correct?

9 A Correct.

10 Q And you didn't feel it was necessary at that point
11 in time to tell Mrs. O'Connor, correct?

12 A That's correct.

13 Q Now, with regard to the recorded telephone
14 conversation, you used the script with Shannon so she knew
15 how to initiate the conversation, correct?

16 A Yes.

17 Q But the script obviously couldn't control what Mr.
18 Sacco was saying back to her, fair to say?

19 A Correct.

20 Q And some of the information that Mr. Sacco was
21 stating, you didn't prepare her to answer, correct?

22 A Correct.

23 Q And, in fact, when he starts asking her about the
24 grandfather, she's telling him on her own about her
25 grandfather, correct?

1 A Could you repeat that, please.

2 Q She's responding to the questions about her
3 grandfather just based on what she knows, correct?

4 A Correct.

5 Q And she says that her grandfather was sick,
6 correct?

7 A Yes.

8 Q He had cancer, correct?

9 A Yes.

10 Q He was undergoing chemotherapy, correct?

11 A Yes.

12 Q And he was in the hospital, correct?

13 A I don't remember that part.

14 Q Did she say he was old?

15 A Yes.

16 Q And she said ewww?

17 A Yes.

18 Q Now, after those controlled phone calls to Mr.
19 Sacco -- let me step back a moment. When Mr. Lovric asked
20 you did you ask any questions with regard to things that were
21 said about her grandfather, do you remember that when he
22 asked you that?

23 A Yes.

24 Q And your response was, she didn't say anything
25 after I asked her, correct?

1 A Yes.

2 Q Now, there comes a time when you talk to Linda
3 O'Connor after those phone calls, correct?

4 A Yes.

5 Q Now, in between that, Mr. Sacco's arrested on
6 March 16 or the warrant's issued for Mr. Sacco?

7 A Warrant's issued on the 16th.

8 Q So March 22 is when you first talk to Miss O'Connor
9 about what Shannon has told you, correct?

10 A Yes.

11 Q And Miss O'Connor goes down to the police station
12 or she gets a ride to the police station, correct?

13 A Yes.

14 Q You know she doesn't drive?

15 A Correct.

16 Q And she's cooperative?

17 A Yes.

18 Q She goes down and she doesn't know why you're
19 taking her down there, correct?

20 A At that point I believe I told her that I needed to
21 talk to her about this.

22 Q About Shannon or about the entire situation?

23 A The situation.

24 Q All right. And she was quite upset when you told
25 her that, correct?

1 A At the office I believe she was upset.

2 Q Yes. And she wanted to know why she wasn't told,
3 correct?

4 A Correct.

5 Q And you asked her why she allowed Shannon around
6 Mr. Sacco after there was a court order, correct?

7 A Yes.

8 Q And she said she trusted him, correct?

9 A That's what she said, yes.

10 Q And she admitted that she ignored the Court order,
11 correct?

12 A Yes.

13 Q Now, you knew Shannon testified as well. She
14 testified in front of the state grand jury, you mentioned
15 that on your direct when Mr. Lovric was asking you questions?

16 A Yes.

17 Q And you knew that she was asked a variety of
18 questions about what happened with Mr. Sacco?

19 A Yes.

20 Q And she was asked a question about why didn't she
21 tell her mother, correct?

22 A We'd have to look at the grand jury minutes for
23 that.

24 Q Did you look at her grand jury minutes before you
25 came in here today?

1 A Not today, no.

2 Q Had you ever looked at them?

3 A At one point I did, yes.

4 Q Did you look at them before you interviewed her a
5 second time in October?

6 A No.

7 Q Would that have been a prudent investigative
8 endeavor before you interviewed her on October 29?

9 A I don't think so.

10 Q It didn't matter what she said when she was under
11 oath in front of the state grand jury?

12 A It does matter, yes.

13 Q I want to talk to you briefly about the YMCA
14 records that you retrieved for Dean Sacco. Do you
15 understand?

16 A Yes.

17 Q All right. In connection with that you also
18 retrieved Shannon O'Connor's YMCA records?

19 A Yes.

20 Q And you made notes that they were there together on
21 certain dates at the exact same time?

22 A Yes.

23 Q Do you know approximately how many times they were
24 there together at the YMCA?

25 A Per the records, more than four.

1 MISS PEEBLES: I'm going to mark, if I can,
2 Defense Exhibit O-2, please.

3 Q Sergeant, I'm going to ask you to see if you can
4 identify what's been marked as Defense Exhibit O-2.

5 A This would be the records from the YMCA on Shannon
6 O'Connor.

7 Q Thank you.

8 MISS PEEBLES: Your Honor, at this time I'd
9 like to offer what's been marked as Defendant's Exhibit O-2.

10 MR. LOVRIC: No objection.

11 THE COURT: Receive Defendant's O-2 in
12 evidence.

13 BY MISS PEEBLES:

14 Q Now, when you were listening to the phone
15 conversation or when you heard the phone conversation and Mr.
16 Sacco's response to Shannon's questions, fair to say it
17 sounded as though Mr. Sacco thought they had some type of
18 close relationship, is that a fair --

19 A Yes.

20 Q And, in fact, he went on to talk about how they had
21 conversations together, correct?

22 A Yes.

23 Q And he thought they had this friendship together,
24 correct?

25 A Yes.

1 Q And you got the YMCA records and you compared them,
2 correct?

3 A Yes.

4 Q And you saw that they would go to the YMCA together
5 on at least four or five occasions, correct?

6 A Yes.

7 Q And you knew they had done various other
8 activities, horseback riding, correct?

9 A Yes.

10 Q They went ice skating together?

11 A I'm not sure if it was ice skating or roller
12 skating but they went skating, yes.

13 Q Now, then there comes a time in October,
14 October 29, where you're contacted again by Liz Chesebro,
15 correct?

16 A Yes.

17 Q And she makes you aware that Shannon has more to
18 say and some of it has to do with her mother, correct?

19 A Yes.

20 Q And you make arrangements to have this videotaped
21 interview that we saw yesterday, correct?

22 A The arrangements were made, it wasn't by me.

23 Q But arrangements were made and you were aware of
24 that?

25 A Yes.

1 Q Now, after the interview you went out of the room
2 and typed up a statement, correct?

3 A Yes.

4 Q I'm going to hand you what's been marked as
5 Defendant's Exhibit O-3 and see if you can identify this
6 document for the jury. Can you identify that document
7 Sergeant?

8 A Yes.

9 Q Would you tell the jury what O-3 is?

10 A That was the statement I took from Shannon from the
11 CAC, Child Advocacy Center, on the 29th.

12 MISS PEEBLES: At this point, your Honor, I'd
13 like to offer Defendant's Exhibit O-3 into evidence.

14 MR. LOVRIC: No objection.

15 MR. FISCHER: No objection.

16 THE COURT: Receive Defendant's O-3 in
17 evidence.

18 BY MISS PEEBLES:

19 Q Now, looking at page 2, I'm going to ask you to
20 look where it says, I told Dean that I did not want to and
21 that I might tell somebody about what was going on. Dean
22 threatened me. Dean told me he was going to stab me and that
23 while I was dying he was going to slowly rape me. I was
24 scared. I got undressed. Is that what she told you on
25 October 29?

1 A Point that out again, please.

2 Q Pointer.

3 A I see where you're talking about though.

4 Q Okay. Right here. So, you see where I'm talking
5 about then --

6 MISS PEEBLES: I'm not good with the
7 technology. I have to undo that.

8 Q Okay. That's what she told you on October 29?

9 A Yes.

10 Q Now, you listened to that phone conversation
11 between her and Mr. Sacco, correct?

12 A Yes.

13 Q And he didn't appear to be at all very threatening
14 toward her when she indicated she was going to tell somebody,
15 is that fair to say?

16 A That's correct.

17 Q In fact, he at one point offers to tell the teacher
18 on her behalf, you heard that, right?

19 A Yes.

20 Q And he tells her, well, there must be someone that
21 can help you. He says your mother, then he goes on to say --
22 when she tells him I'm -- not even my mother, some adult
23 social worker can certainly help you, correct, he states
24 that?

25 A Correct.

Patrick Blenis - Cross

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1 Q That statement's to fly in the face of everything
2 you knew before that date, doesn't it?

3 MR. LOVRIC: Objection.

4 THE COURT: Sustained.

5 Q Now, during the phone conversation, the second one
6 in particular where Mr. Sacco was pleading with Shannon
7 trying to pull at her heart strings not to say anything, is
8 that a fair assessment of what was going on?

9 A Yes.

10 Q He says I'm going to get beat up in jail, correct?

11 A Yes.

12 MR. FISCHER: I object.

13 MR. LOVRIC: He objected.

14 MR. FISCHER: I object.

15 THE COURT: Let's go to side-bar for a second.

16 (At the Bench)

17 THE COURT: What's the basis for that
18 objection? We heard that testimony that Miss Peebles is
19 quoting.

20 MR. FISCHER: As I hear it, he says if
21 somebody did this, this is what's going to happen to him. He
22 doesn't say I'm going to be there. That's what she said and
23 there's a little bit of a difference.

24 THE COURT: So you're saying -- well, you mind
25 changing your question to include that nuance?

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1 MISS PEEBLES: Yeah, but I also think he made
2 specific reference to his own cats, to his mother. He does
3 make specific reference to himself.

4 MR. LOVRIC: That's true.

5 MR. FISCHER: If you made these allegations
6 against me, it would hurt my family is what he said but he
7 didn't say if I go to jail this is what's going to happen to
8 me. There were two different instances.

9 THE COURT: I think he said it both ways,
10 Kelly. That's just my recollection, of course. The record's
11 going to control as to what it is. I think I'll permit the
12 question and you can go back on cross if you want to do
13 something with it.

14 (In open Court).

15 BY MR. LOVRIC:

16 Q Sergeant, you can answer the question.

17 A Could you repeat the question, please.

18 Q You heard on the phone conversation Mr. Sacco
19 pleading about if he goes to jail, he's going to get beat up,
20 correct?

21 A Yes.

22 Q And he talked about if these accusations are made
23 against him, his mother's going to be devastated, correct?

24 A Yes.

25 Q He'll never pick a flower again, correct?

1 A Yes.

2 Q He will lose his cats, correct?

3 A Yes.

4 Q So, would it be fair to say that he's pulling out
5 all the stops at this point trying to get her not to say
6 anything?

7 A Yes.

8 Q Not once during that phone conversation does Mr.
9 Sacco say you better think twice because your mother's going
10 to get in trouble, does he?

11 A No.

12 Q Now, there came a time after that interview with
13 Shannon on October 29 that you called Linda O'Connor again,
14 correct, after October 29. At some point on November 14 you
15 got in touch with Miss O'Connor?

16 A Yes.

17 Q That was to bring her in and ask her about these
18 pictures that Shannon said she took, correct?

19 A Could you repeat the question.

20 Q You wanted to question Miss O'Connor about the
21 things that Shannon said regarding the photographs on
22 October 29, during that interview?

23 A Yes.

24 Q So, Miss O'Connor was cooperative, correct?

25 A On which date are you talking?

1 Q November 14.

2 A Okay.

3 Q All right. She was cooperative?

4 A Yes.

5 Q And so this would be the second interview that you
6 did with Miss O'Connor on November 14, correct?

7 A Yes.

8 Q And, in fact, you tell her some of what Shannon
9 said, correct?

10 A Yes.

11 Q And you say did you ever see Mr. Sacco with a
12 camera, correct?

13 A Yes.

14 Q And she said she thinks she saw him taking pictures
15 of the property once, correct?

16 A Yes.

17 Q And you asked her where would the camera be,
18 correct?

19 A I don't remember that.

20 Q If I showed you your notes, would it refresh your
21 recollection?

22 A Yes. You said it's from November 14?

23 Q Yes. Actually, let me rephrase the question. You
24 asked her after she asked about the -- after you asked her
25 whether she saw Mr. Sacco with a camera, she tells you that

1 you could probably find the pictures. He probably got them
2 developed at Rite Aid, correct?

3 A Yes.

4 Q That's what she told you, right?

5 A Yes.

6 Q And you told her that it's unlikely that Rite Aid
7 would be developing naked pictures of her daughter, correct?

8 A Yes.

9 Q Now, you had plenty of interaction with Miss
10 O'Connor, you've interviewed her twice, correct?

11 A Yes.

12 Q And you've talked to Elizabeth Cheseboro about
13 Linda, correct?

14 A Yes.

15 Q And you're aware that she has a very limited
16 education, correct?

17 A Yes.

18 Q And you knew she had some disabilities, correct?

19 A I'm not sure about disabilities. Maybe medical
20 condition I think that would be accurate.

21 Q Okay. You knew she couldn't drive, correct?

22 A I didn't know she couldn't drive -- could not or
23 did not. You'd have to ask her that.

24 Q All right. Well you didn't -- apparently you're
25 saying you didn't know how severe her medical condition was,

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1 is that fair?

2 A That's fair, yes.

3 THE COURT: Okay. Ladies and gentlemen, we're
4 going to break for lunch. We'll see you back at 1:30.

5 (Lunch break taken).

6 MR. LOVRIC: It's about the cross-examination.
7 I don't know if you want me to do that in front of the
8 witness because he's on the stand.

9 THE COURT: We'll go over on the side.

10 (At the Bench).

11 MR. LOVRIC: Judge, I don't know if the
12 defense O'Connor cross is getting into this, but I may -- it
13 may be so I thought it would be easier for me to make the
14 objection here before we get into it. There's questioning
15 right now about November 14, 2007 interview of Linda O'Connor
16 by Detective Sergeant Pat Blenis. I didn't offer those
17 statements of the defendants into evidence but I will object
18 to any elicitation of this witness by the defense about Linda
19 O'Connor requesting or saying that she wanted to take a
20 polygraph exam or that she would take a polygraph or anything
21 of that sort.

22 THE COURT: I don't think --

23 MR. LOVRIC: I don't know if that's going to
24 come up but the topic is being discussed now, that interview
25 of her, so I figure I'd just raise it.

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1 MISS PEEBLES: It is going to come up, I am
2 going to ask the question. I think it goes to her state of
3 mind. I'm not going to ask if he did or didn't administer a
4 polygraph. The fact that she was willing to I think is
5 indicative what her state is during the interview. I think
6 if I remember correctly Elizabeth Cheseboro is going to talk
7 about how agitated she was, the fact she wanted something to
8 eat. She was claiming her blood sugar had spiked. I think
9 it's relevant. I think I should be able to ask that. It's
10 something she said to them in connection with being
11 confronted with regard to the photographs.

12 THE COURT: Why is it not hearsay?

13 MISS PEEBLES: Well, I mean, Judge, it's state
14 of mind so I just think that it's her frame of mind at the
15 time.

16 THE COURT: So it's not being offered for the
17 truth?

18 MISS PEEBLES: Not just how she was feeling.

19 THE COURT: Innocent?

20 MISS PEEBLES: Exactly.

21 MR. LOVRIC: Well, I guess my objection has to
22 do with two reasonings for it: One, I haven't offered
23 anything about November 14 interview of Linda nor did I
24 intend to nor do I intend to. So, technically, anything that
25 Linda O'Connor wants to introduce about November 14, 2007

1 interview it's hearsay but if it is being offered for
2 something other than the truth, then I still submit her
3 saying whatever about polygraph isn't really a state of mind,
4 as opposed to I'm not guilty, I'm innocent, and, therefore,
5 her communicating that which is really to tell the jury that
6 she was telling Pat Blenis I'm not guilty of anything, I'm
7 innocent, which is being offered for the truth.

8 MISS PEEBLES: No, it's not, it's her state of
9 mind at the time and I'm not suggesting that she underwent a
10 polygraph examination nor am I suggesting that she was
11 claiming she was innocent. She offered that up as an
12 investigative tool for him, period. It would simply be like
13 her responding to questions, you know, where Dean Sacco's
14 camera is. And her and him trying to get information about
15 where the camera might be. It's the same type of tool as I
16 think the prosecutor would indicate. Polygraph exams are
17 used as investigative tools. He said it before and I think
18 that that's something that's relevant.

19 MR. LOVRIC: That was in connection with
20 detention hearings I made those arguments. I don't think
21 it's relevant in front of this jury what polygraph exams are
22 or aren't or if they're of any value. Then we get into -- we
23 get into the whole issue why polygraphs are not routinely
24 admitted into trials.

25 MISS PEEBLES: I'm not going to go there, is

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1 it even admissible, if you want to follow-up on it.

2 MR. LOVRIC: I don't want to mention the word
3 polygraph.

4 MISS PEEBLES: I'm not saying polygraph. She
5 said I want to take a lie detector test. That's what she
6 said to him.

7 MR. LOVRIC: That's my objection.

8 THE COURT: I'm going to sustain the objection
9 because even though it's being offered for her state of mind,
10 I don't think her state of mind at that point in time is
11 something this jury is going to have to decide. They're
12 going to have to decide whether she did or didn't do things
13 she's accused of, maybe her state of mind in connection with
14 those things. This is some time afterwards that they
15 interviewed her. I don't think it's relevant.

16 MISS PEEBLES: Well, I object.

17 THE COURT: Okay.

18 (In open Court).

19 (Jury present).

20 THE COURT: All right. Miss Peebles.

21 BY MISS PEEBLES:

22 Q Sergeant Blenis, I think we left off when I was
23 talking to you about the November 14 interview you were
24 having with Miss O'Connor, do you remember?

25 A Yes.

1 Q During that discussion with her, you never talked
2 to her about Grandpa or George Lang, is that true?

3 A That's correct.

4 Q So, you heard the phone conversation and you've
5 talked to Miss O'Connor twice but you never asked her any
6 information concerning that, correct?

7 A That's correct.

8 Q Did you ever inquire about who George Lang was
9 after you heard that phone conversation between Mr. Sacco?

10 A I asked Shannon that day and she advised it was
11 somebody she stayed with in Nineveh.

12 Q Did you follow-up and talk to Renee Lang after that
13 conversation you had had with Shannon?

14 A No.

15 Q So you never bothered to find out whether he did
16 have cancer during the time period she was discussing?

17 A No.

18 Q Now, you felt or you actually believed that Mr.
19 Sacco would feel comfortable knowing it was Shannon's
20 cellphone that was calling him for the second call, correct?

21 A Yes.

22 Q And, in fact, he answered the phone because he
23 recognized the number, correct?

24 A Are you talking about the second call or the third
25 call?

1 Q The second call that was recorded or the third
2 call.

3 A It would be the third call, yes.

4 Q Now, did you get Shannon's cellphone records?

5 A No.

6 Q So you weren't aware of how frequently Shannon
7 would call Mr. Sacco, is that fair to say?

8 A That's correct.

9 Q Did you ever make an attempt to investigate that
10 after?

11 A No.

12 Q Did you investigate that after, you never looked
13 into that?

14 A I never looked into the cellphone records.

15 Q During one of the interviews, had you spoken to
16 Miss Chesebro on October 29 to arrange for that videotaped
17 interview?

18 A Yes.

19 Q Now, during the course of that interview you heard
20 Shannon mention something that her mother gave her Vicodin,
21 do you remember that?

22 A Yes.

23 Q Now, were you aware that Shannon had told Miss
24 Chesebro that her mother gave her five Vicodin, do you
25 remember that?

1 A I don't remember that.

2 Q Did Mrs. Chesebro ever tell you the number of pills
3 she told Miss Chesebro she took?

4 A No, not the number of pills.

5 Q She tells you during the interview she was out of
6 school sick for two weeks, do you remember that?

7 A Yes.

8 Q In fact, what she says is that she was out of
9 school for a total of four because it happened right before
10 her Christmas break, do you remember that?

11 A Yes.

12 Q Did you get her school records to see whether or
13 not she was out of school for two weeks?

14 A I did not get her school records.

15 Q Did you ever look at her school records?

16 A At some point there was some school records that
17 Elizabeth Chesebro gave to me.

18 Q Did you review those records?

19 A I think it was the amount of absences.

20 Q I'm going to hand you what's been marked as
21 Defendant's Exhibit O-4 and ask if you can identify this
22 document.

23 A Yes.

24 Q Is that the absentee record that you observed --
25 that you viewed previously?

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1 A I believe it is, yes.

2 MISS PEEBLES: Your Honor, I'd like at this
3 time to offer Defendant's Exhibit O-4.

4 MR. LOVRIC: Can I see which it is? I have no
5 objection, Judge.

6 MR. FISCHER: No objection.

7 THE COURT: Receive Defendant's O-4 in
8 evidence.

9 Q I'm going to ask you to look at Defendant's Exhibit
10 O-4 and direct you to December 18 of '06. Do you see that?

11 A Yes.

12 Q She's absent a total of five days, correct, the
13 12th through the 22nd?

14 A Is that six days including the 12th?

15 Q Well six, if you look at the 18th, consecutive
16 days?

17 A Starting the 18th.

18 Q The 12th wouldn't have been the Friday before,
19 correct?

20 A I'd have to look at a calendar.

21 Q Well, there's three days -- well, Friday, Saturday,
22 Sunday, so Monday, that wouldn't have been consecutive,
23 correct?

24 A Okay. Yes.

25 Q Now there's no two weeks' worth of absences on that

1 attendance sheet, is there?

2 A I don't see it that way, no.

3 Q Now the YMCA records that I showed you that are in
4 evidence as Defendant's Exhibit --

5 MISS PEEBLES: Colleen, did you keep those?

6 THE CLERK: YMCA is O-2.

7 MISS PEEBLES: Do you have them up there?

8 THE CLERK: Yes.

9 BY MISS PEEBLES:

10 Q Now, looking at Defendant's Exhibit O-2 which has
11 already been received in evidence, do you see there it says
12 12/22/06 she went to the YMCA?

13 A Yes.

14 Q But she also stayed home from school that day if
15 you look at the attendance records which indicate that she
16 was absent on 12/22?

17 A Yes.

18 Q Now, I'm going to ask you about the statements
19 regarding the Best Western that Shannon gave you on
20 December 5, do you understand?

21 A Yes.

22 Q This would be the third interview that you were
23 involved in regarding Shannon O'Connor, is that fair to say?

24 A Yes.

25 Q Now, you had conversation with Elizabeth Chesebro

1 before you interviewed her on December 5, correct?

2 A Yes.

3 Q And then she advised you of what was going on with
4 Shannon in the psychiatric hospital?

5 A She advised there were further disclosures, yes.

6 Q Well, did she tell you anything else about her?

7 A Well, there was a suicide attempt.

8 Q Did she elaborate on what this suicide gesture
9 involved?

10 A I guess I don't understand your question.

11 Q Well, let me ask you this: Did she talk to you
12 about the number of times that she either said she was going
13 to kill herself, or actually acted in a suicidal gesture?

14 A I don't remember that.

15 Q Did you think that that information would be
16 important to you in your investigation?

17 A No.

18 Q So, you weren't concerned really with her state of
19 mind at that point in time during the course of any of these
20 interviews, is that fair to say?

21 A No, I was always concerned.

22 Q But you never bothered to ask about it?

23 A No.

24 Q Now, during the interview Shannon states that when
25 she moved to Norwich with her mother in August of '06, after

1 that her mom took her to the Best Western on three occasions,
2 is that fair to say?

3 A Yes.

4 Q All right. And she says her mom took her to the
5 Best Western one time just to shop and go to movies and do
6 whatever, is that fair to say?

7 A Yes.

8 Q And then she says there are two additional times
9 that her mom took her to the Best Western and two men showed
10 up and raped her, is that fair to say?

11 A Yes.

12 Q All right. Now, with regard to her first statement
13 suggesting that somebody met up with her in their room, she
14 tells you that Miss O'Connor registered under her own name,
15 correct?

16 A Yes.

17 Q All right. And she tells you that she got two keys
18 for the room, correct?

19 A Yes.

20 Q And she goes through and tells you that they check
21 in and -- correct?

22 A Yes.

23 Q Now, she says that there's a second time and again
24 they go to the room, they go to the hotel, her mom checks in
25 under her name, correct?

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1 A I'm not sure if that was the first time or the
2 second time.

3 Q The second time. Well, twice she says that they
4 went, her mom checked in, she used her name and got room
5 keys, correct?

6 A If I remember correctly, one of the times she
7 didn't use her name.

8 Q Really. And you heard that on the videotape?

9 A That's what, if that's the tape, if that's what I'm
10 remembering.

11 Q Well, how about if I show you a transcript of that
12 interview, would that help refresh your recollection?

13 A It would.

14 MISS PEEBLES: Judge, I'm going to need like
15 two minutes if the Court, please.

16 THE COURT: Just a couple of minutes?

17 MISS PEEBLES: Yeah. Like five minutes.

18 THE COURT: Okay. We'll ask the jury to step
19 aside.

20 (Jury excused).

21 (Jury present).

22 THE COURT: Okay. Miss Peebles.

23 BY MISS PEEBLES:

24 Q Okay, Sergeant, I asked you about the taped
25 interview concerning the Best Western comment Shannon made

1 about that. I'm going to hand you now what's been marked as
2 Defendant's Exhibit O-5 and ask you if you could take a look
3 at that and identify that document for me, please?

4 A That would be the transcript that was provided on
5 the second interview.

6 MISS PEEBLES: Your Honor, at this time I'd
7 like to offer Defendant's Exhibit 5 into evidence. I know
8 that the tape is in and it's strictly used as an aid,
9 however, I need to use it in order to cross-examine this
10 witness.

11 THE COURT: I don't think -- let's see.
12 That's already been played for the jury, right, that tape?

13 MISS PEEBLES: Yes.

14 THE COURT: They followed along using that
15 transcript?

16 MISS PEEBLES: Yes.

17 THE COURT: I don't think you need to put it
18 in to ask him questions from it.

19 MISS PEEBLES: Okay. Thank you.

20 BY MISS PEEBLES:

21 Q Now, Sergeant, we're going to look at page 13 of
22 the transcript.

23 MR. LOVRIC: Judge, I object to a couple of
24 things about this. I don't know if you want me to say it out
25 in front of the jury or not.

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1 THE COURT: No, I prefer you didn't. Let's go
2 to side-bar.

3 (At the Bench).

4 THE COURT: What's the problem?

5 MR. LOVRIC: Here's -- let me succinctly put
6 it. The transcripts are pretty good but just going through
7 them when they were listening I found many places where there
8 was either error on what is there. Like at one point there
9 is upstairs, it really said downstairs in my view. There's
10 other places where words were not in -- were not in the
11 transcript where you could hear them. So, I don't have a
12 problem with the transcript being an aid but do I have a
13 problem with the witness being cross-examined about the
14 transcript as if they are exactly accurate because the tape
15 is really what he needs to refer to if he's going to say I do
16 remember or don't remember her saying those exact words.
17 Because I thought for an exact, that the transcripts are not
18 accurate, they're very good but they're not one hundred
19 percent exact and, therefore, I do object to him being asked
20 is this exactly what she said because what it may say in the
21 transcript, that doesn't mean it's on the tape. I know there
22 are inaccuracies and I think we saw say them as the tape
23 played.

24 MISS PEEBLES: I don't think there's anything
25 inaccurate about the parts I was going to ask him.

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1 THE COURT: That was my question.

2 MISS PEEBLES: None. Simply, I can say
3 approximately what was said if he wants, you know.

4 MR. LOVRIC: But --

5 THE COURT: Okay.

6 MR. LOVRIC: But I do object being put as
7 though that's an exhibit that is in evidence as exact.

8 THE COURT: If you want me to give a limiting
9 instruction. The transcript is not word for word what was
10 said. It's a close approximation.

11 MR. LOVRIC: That's fine.

12 THE COURT: Is that all right with everybody?

13 MISS PEEBLES: Fine.

14 (In open Court).

15 THE COURT: All right. Ladies and gentlemen,
16 Miss Peebles is going to ask the sergeant some questions
17 about the tape and you folks had the transcript remember the
18 other day when we watched the tape being played. The
19 transcript is not an exact, true copy of what was said. It's
20 a close approximation. It's hard to get from something
21 that's very difficult to hear exactly what was said. This
22 was done in an attempt to get as near as possible to what was
23 said. I want you to keep that in mind as these questions are
24 asked. Okay.

25 MISS PEEBLES: Thank you.

1 BY MISS PEEBLES:

2 Q Now, I'm going to refer you now to the highlighted
3 portions of page 13 of the transcript where Elizabeth
4 Chesebro states: So you were going shopping -- and that was
5 the first time we're talking about -- and you were going to
6 the Best Western by the mall and did your mom check into the
7 room and she states she checked in before we went shopping.
8 Okay. You get to Binghamton, you check into the hotel and
9 whose name did she use? She states her name, and she states
10 her name. Do you see that?

11 A Yes.

12 Q Now, do you recall that during the course of the
13 videotaped interview?

14 A Yes.

15 Q And then she also states further down she talked to
16 the desk person and then when we got up to the room she made
17 some phone calls, we went out and we came back about ten
18 minutes later and the guy showed up, do you recall that?

19 A Yes.

20 Q Now, next question on page 16 of the transcript.
21 Miss Chesebro talks about did you do the same thing, take a
22 bus from Norwich to Binghamton and she says yeah. Did she
23 use her name for the hotel again? She says yes. Okay. This
24 time did you hear her making any phone calls, is that what
25 was said?

1 A I don't remember.

2 Q You don't remember. All right. Let's talk about
3 what you found when you went to the Best Western. You went
4 and retrieved some hotel registrations from the Best Western
5 after you had this conversation with Shannon, is that
6 correct?

7 A That would be approximately on the 22nd, yes.

8 Q I'm going to hand you what's been marked as
9 Defendant's Exhibit O-6 and ask if you can identify those
10 documents.

11 A With the exception of this page, I don't remember
12 the second page.

13 Q Okay.

14 MISS PEEBLES: I'd like to offer Defendant's
15 Exhibit O-6.

16 THE COURT: What is it?

17 Q Could you identify O-6?

18 A Those would be records from Best Western in Johnson
19 City.

20 MISS PEEBLES: I'd like to offer these at this
21 time, your Honor.

22 MR. LOVRIC: Take a quick look. I have no
23 objection, Judge.

24 MR. FISCHER: No objection.

25

1 BY MISS PEEBLES:

2 Q Now, I'm going to show you the first page of O-6.

3 THE COURT: Was there an objection? I was
4 busy talking to Marlene.

5 MR. LOVRIC: No objection.

6 MR. FISCHER: No objection.

7 THE COURT: Okay. We'll receive Defendant's
8 O-6 in evidence.

9 BY MISS PEEBLES:

10 Q Now, I'm going to show you the first page of
11 Defendant's O-6. On that document can you indicate where it
12 says the date of arrival?

13 A Are you referring to where it says arrive?

14 Q Correct?

15 A 2/11/2005.

16 Q And then there's departure date on there that says
17 February 14 of '05, correct?

18 A Yes.

19 Q And that is under the name of Linda O'Connor, 11
20 River Street in Deposit, New York, correct?

21 A Yes.

22 Q I'm going to show you the next page from the Best
23 Western hotel which indicates that they arrived -- Linda
24 O'Connor's registered, correct?

25 A Yes.

1 Q Eleven River Street, correct?

2 A With a spelling error. It's 11 Ricer Street but 11
3 River Street in Deposit.

4 Q It states there they arrived on August 1 of '05,
5 correct?

6 A Yes.

7 Q And the next page shows that Linda O'Connor
8 registered on February 17 of '06 correct?

9 A Yes.

10 Q And she departed on February 20, '06 correct?

11 A Yes.

12 Q And there's another receipt from the Best Western
13 where it shows that Shannon or Linda O'Connor registered and
14 they arrived on March 31 of '06, is that correct?

15 A Yes.

16 Q And they departed on April 1 of '06, correct?

17 A Yes.

18 Q And the last exhibit shows that Linda O'Connor
19 registered at the Best Western on 12/1/06, correct?

20 A Yes.

21 Q And she departed on 12/3/06, correct?

22 A Yes.

23 Q And there's a paid receipt which indicates that she
24 lived at that point at 45 Fair Street in Norwich, correct?

25 A Yes.

1 Q So from these receipts, it's clear that Linda
2 O'Connor registered at the Best Western one time after August
3 '06, is that correct?

4 A Yes.

5 Q Now, I want to talk to you about phone records.
6 You, throughout your investigation, you retrieved Miss
7 O'Connor's home phone records, correct?

8 A No.

9 Q You did not?

10 A No.

11 Q Okay. How about her cellphone records?

12 A No.

13 Q You have no knowledge about any phone calls is
14 that --

15 A There are cellphone records that were worked on by
16 the State Police.

17 Q But you had no involvement in any of that?

18 A I provided cellphone numbers.

19 Q Did you examine the cellphone numbers?

20 A No.

21 Q You were involved in the execution of a search
22 warrant at Miss O'Connor's home at 14 Miller Street --

23 A Yes.

24 Q -- correct? And during the course of that search
25 you took a disposable camera?

1 A Yes. Two disposable cameras.

2 Q Correct. And did you take any type of computer?

3 A Yes.

4 Q And the computer that you took was on the floor?

5 A Yes.

6 Q It hadn't been hooked up?

7 A That's correct.

8 Q And you did an examination on the computer?

9 A I brought the computer to -- actually, when I
10 seized the computer, I turned it over to Agent Lyons from the
11 FBI.

12 Q And did you learn what was on the computer?

13 A At that time, no.

14 Q Did you ever learn what was on the computer?

15 A Later it was told to me that there was some
16 business records on the computer.

17 Q That didn't belong to Miss O'Connor, is that
18 correct?

19 A I'm not sure about that. I was just told there was
20 business records on the computer.

21 Q Now, as far as the disposable cameras go, you
22 developed those photographs, correct?

23 A No, I did not.

24 Q Did you ever see what was on the disposable
25 cameras?

1 A No.

2 Q Now, after Mr. Sacco is arrested in Jersey City,
3 after the phone calls are made, does Linda O'Connor contact
4 you about Mr. Sacco sending her letters from jail?

5 A Yes. I can't remember the date. She came in to
6 see me though.

7 Q And she provided you correspondence that she had
8 received from Mr. Sacco?

9 A She provided me with a letter, yes.

10 Q And did you bring copies of those letters?

11 A Actually, I think I have the letter in the case
12 file upstairs. It was one letter.

13 Q With regard to your investigation concerning rent
14 money, did you know how Linda paid the rent in August of
15 2006?

16 A No.

17 Q Did you ever investigate to see how she paid the
18 rent?

19 A No.

20 Q Didn't Shannon O'Connor state in her original
21 statement that she had sex with Mr. Sacco in August of 2006?

22 A Yes.

23 Q During the second interview on October 29, Shannon
24 O'Connor had a sling on her arm across her shoulder, do you
25 remember that?

1 A Yes.

2 Q Did you ever inquire about the number of times
3 Shannon O'Connor had been taken to the hospital for various
4 ailments?

5 A I didn't inquire to the number of times, no.

6 Q Did Miss Chesebro ever share with you that
7 information?

8 A I don't remember.

9 Q The charges here against Mr. Sacco do not negate
10 the rape charges that are pending in state court, isn't that
11 true?

12 A I'm not really familiar with the federal system.
13 Like I said, I'm sure that they're still active in Chenango
14 County Court.

15 Q That's something he still has to deal with,
16 correct?

17 A I believe so. Yes.

18 MISS PEEBLES: Nothing further.

19 THE COURT: Mr. Lovric. Redirect?

20 MR. LOVRIC: Just a couple questions, Judge.

21 THE COURT: Okay.

22 REDIRECT EXAMINATION

23 BY MR. LOVRIC:

24 Q Sergeant Blenis, my first follow-up question is Mr.
25 Fischer was asking you about the questions that were prepared

1 and handed to Shannon as she was making the phone calls on
2 March 14 and March 15 of 2007. Do you remember those
3 questions that Mr. Fischer talked to you about?

4 A Yes.

5 Q My question is: When you drafted those suggested
6 topics and had Shannon or gave them to her before she made
7 the phone call, the questions that you drafted, were those
8 questions based upon things that she had told you on March 2,
9 two weeks before those calls were made?

10 A Yes.

11 Q So in your questions that you drafted, like some of
12 them have something to the effect -- to talk about a condom,
13 something to the effect of talking about where the sex took
14 place. I take it those were based upon information she had
15 given to you on March 2?

16 A Yes.

17 Q So, it wasn't like you just kind of dreamed these
18 things up on your own, these topics?

19 A No.

20 Q Now, I wanted to clarify something Mr. Fischer
21 asked you about, the first call that was made which the
22 equipment did not record. Okay. Do you remember that
23 question?

24 A Yes.

25 Q When did you realize or learn that the equipment

1 did not record that call?

2 A Actually, we tried to play the call back to listen
3 to it to see what there was and that was when we found out it
4 didn't record.

5 Q So, how soon after the actual call between Shannon
6 and Dean Sacco ended did you go back to see if the equipment
7 had recorded the call, just about?

8 A Within minutes.

9 Q So you knew within minutes it didn't work?

10 A Yes.

11 Q Okay. And then the second call that was placed
12 from Shannon to Dean Sacco, how long was it after you
13 discovered that the first call had not recorded?

14 A Within a span of ten minutes or so.

15 Q Okay. So, all of this happens like within 20
16 minutes of each other?

17 A Yes.

18 Q Okay. So that second call which we heard the
19 recorded call, is it fair to say that conversation between
20 Shannon and Dean Sacco takes place within approximately 20 or
21 so minutes after the first conversation?

22 A Yes.

23 Q Same day?

24 A Yes.

25 Q Okay. Now, during the first conversation that did

1 not record, were you present when Shannon was speaking to
2 Dean Sacco during the course of that first conversation?

3 A Yes.

4 Q Okay. So you could hear what she was saying,
5 Shannon, is that correct?

6 A That's correct.

7 Q Could you hear what Dean Sacco was saying?

8 A No.

9 Q Okay. Who had that earpiece in their ear in order
10 to effectuate the recording?

11 A Shannon had the earpiece in.

12 Q And what's the purpose for having that earpiece in
13 the ear? What does it do, that earpiece?

14 A It records the conversation that is being had.

15 Q So, the earpiece is actually recording what's
16 coming from the phone she has up to her ear?

17 A Yes.

18 Q And it's also recording what's going through her
19 canal as she's talking?

20 A Yes.

21 Q Through her ear canal, so it's recording both sides
22 of the conversation?

23 A Yes, it is.

24 Q Okay. And that's a piece of equipment the State
25 Police had that you had to borrow?

1 A Yes.

2 Q And when you're sitting in listening to what
3 Shannon is saying, were you able to hear clearly what she is
4 saying on her end?

5 A Yes.

6 Q And comparing it to the second call she makes, the
7 one that's recorded, does what she says to Dean Sacco compare
8 to that what she says on the first one, was it the same or
9 different?

10 A It was the same.

11 MR. FISCHER: Your Honor, I have an objection.
12 I wasn't privy to it. It's hearsay.

13 THE COURT: I think it's hearsay. Sustained.

14 Q I take it you could hear everything Shannon said
15 during all the calls made to Dean Sacco?

16 A Yes.

17 Q I believe Miss Peebles asked you whether you shared
18 with Linda O'Connor shortly after March 2 of 2007 information
19 that Shannon had provided to you about Dean Sacco having
20 raped her. Do you remember that question?

21 A Yes.

22 Q Did you tell Linda O'Connor shortly after March 2
23 about the things that Shannon had said Dean had done to her?

24 A No.

25 Q Why didn't you?

1 A I wasn't sure what was going to get back to Mr.
2 Sacco. I didn't know if Miss O'Connor would say something
3 and actually tip off Dean that the police had talked to
4 Shannon.

5 Q Okay. So at that point it was a need-to-know
6 basis?

7 A Yes.

8 MR. LOVRIC: That's all I have, Judge.

9 THE COURT: Okay.

10 MR. FISCHER: Your Honor, may I have just a
11 few follow ups concerning Miss Pebbles' questions?

12 THE COURT: Sure.

13 RE CROSS-EXAMINATION

14 BY MR. FISCHER:

15 Q Sergeant Blenis, I want to make sure we're clear
16 about some things. The claims that Shannon O'Connor made
17 concerning George Lang, the claim is that the events
18 concerning George Lang, that is George Lang having sexual
19 contact with Shannon and her mother and that the mother was
20 taking pictures. The claim is that all of those events
21 occurred before August of 2006, am I correct?

22 A Yes.

23 Q Before Dean Sacco had any contact whatsoever with
24 Shannon or Linda O'Connor?

25 A Yes.

1 Q At any time did Shannon refer to George Lang, to
2 your knowledge, as Grandpa?

3 A I don't remember.

4 Q The claims that Shannon O'Connor made concerning
5 her mother taking her to the Best Western and her mother and
6 these two men and taking pictures during that -- those
7 events, those allegations were not -- did not claim that Dean
8 Sacco had anything to do with the events at the Best Western,
9 did they?

10 A Could you rephrase that, please.

11 Q Sure. Shannon never claimed that Dean Sacco had
12 anything to do with the events involving Linda O'Connor and
13 these two men and pictures at the Best Western?

14 A That's correct.

15 Q There were computers found at Linda O'Connor's
16 residence, correct?

17 A There was one computer tower, yes.

18 Q And there were computers found at the Lang
19 residence, am I correct?

20 A I was told there was, yes. It wasn't -- actually,
21 I should restate that. It wasn't at the Lang residence. I
22 believe it was at another residence.

23 Q Okay. There's no claim that you're aware of that
24 Mr. Sacco ever had a computer at 45 Fair Street or any other
25 place, am I correct?

1 A That's correct.

2 MR. FISCHER: Thank you, Judge.

3 THE COURT: Miss Peebles, anything further?

4 MISS PEEBLES: Just a couple things, Judge.

5 THE COURT: Okay.

6 RE CROSS-EXAMINATION

7 BY MISS PEEBLES:

8 Q Sergeant Blenis, it would be a natural reaction for
9 a mother to want to rip the persons head off if she found
10 they were sexually abusing their child, correct?

11 A Correct.

12 Q You were afraid that might happen if you told that
13 to Linda, correct?

14 A No.

15 Q No concern about that whatsoever?

16 A No.

17 Q I want to talk about those pictures at the Best
18 Western. You testified about these pictures on direct. In
19 fact, we entered some of those into evidence, didn't we?

20 A Yes.

21 Q And weren't those taken off the disposable camera
22 from Linda O'Connor?

23 A No.

24 Q Were there other pictures that you found at Miss
25 O'Connor's residence?

1 A There's a photo album that I didn't take if I
2 remember correctly.

3 Q Well, I'm going to hand you what has been marked
4 and I'll label them -- I'm going to hand you what's been
5 marked as Defendant's Exhibit 7. I'm going to ask if you've
6 ever seen this photograph?

7 A Yes.

8 Q Was that with the same photographs that we've
9 already introduced into evidence?

10 A They're the same -- they're with the photographs
11 that the people introduced, yes.

12 MISS PEEBLES: Your Honor, at this time I'd
13 like to offer Defense Exhibit, I've labeled it O-7.

14 MR. LOVRIC: No objection.

15 THE COURT: Mr. Fischer?

16 MR. FISCHER: No objection. Thank you.

17 THE COURT: Receive Defendant's O-7 in
18 evidence.

19 BY MISS PEEBLES:

20 Q And with regard to the receipts from the Best
21 Western, the various dates, the various dates that they were
22 at the Best Western in Defendant's Exhibit O-6, February was
23 one month, right?

24 A I'd have to look at the receipts again.

25 Q February?

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1 A Yes.

2 Q August?

3 A Yes.

4 Q There's February?

5 A Yes.

6 Q March?

7 A Yes.

8 Q And December?

9 A Yes.

10 Q Given the photographs that are in evidence, and the
11 clothing that's being worn, is it fair to say that those
12 photographs at the Best Western were probably on August 1 of
13 2005?

14 A I'd say they'd be in August, yes.

15 MISS PEEBLES: Nothing further.

16 THE COURT: Mr. Lovric?

17 MR. LOVRIC: No other questions, Judge.

18 THE COURT: Mr. Fischer?

19 MR. FISCHER: No thank you, your Honor.

20 THE COURT: Okay. Thank you, Sergeant Blenis.
21 You may step down, sir.

22 THE WITNESS: Thank you, your Honor.

23 (Witness excused).

24 MR. LOVRIC: Next witness?

25 THE COURT: Please.

1 MR. LOVRIC: Judge, next witness is Adam
2 Lurie.

3 THE COURT: Okay.

4 THE CLERK: Sir, please state your name for
5 the record.

6 THE WITNESS: It's Adam L-U-R-I-E.
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1 A D A M L U R I E, having been called as a witness, being
2 duly sworn, testified as follows:

3 THE COURT: Okay.

4 DIRECT EXAMINATION

5 BY MR. LOVRIC:

6 Q Good afternoon, Mr. Lurie.

7 A Good afternoon.

8 Q Am I pronouncing that correctly?

9 A You are.

10 Q Close. Mr. Lurie, just for the members of the
11 jury, again, could you please tell them your name and if you
12 could tell them where you work and what kind of work you do.

13 A Sure. My name's Adam, last name, L-U-R-I-E. I'm
14 an Assistant United States Attorney in New Jersey, and that
15 just means I'm a federal prosecutor in the State of New
16 Jersey.

17 Q Mr. Lurie, I'd like to talk with you about a person
18 by the name of Dean Sacco. But before we do that if you
19 could just indicate to the members of the jury when did you
20 learn or in any way know anything about this federal matter
21 that we're dealing with here in court today?

22 A Short answer to your question is yesterday. I, I
23 work in Newark, New Jersey and I live in Jersey City, New
24 Jersey and to get from Jersey City to Newark I take a subway.
25 And outside the subway station near my house there's a bin

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1 where a person can pick up commuter papers that are free and
2 so like I often do I picked up a commuter paper and I was
3 flipping through it and reading it while I was on the subway
4 on my way to work and on the second page of the commuter
5 paper there was a two sentence blurb about evidently this
6 case, and it mentioned Mr. Sacco's name. It mentioned that
7 he was from Jersey City and I realized that I know a
8 Mr. Sacco from Jersey City. And so I learned yesterday.

9 Q Okay. And just for the record, Mr. Lurie, I'm
10 going to mark as Government's Exhibit 94 an item that is a
11 newspaper of some sort. Is that the newspaper that you're
12 referring to that you picked up on the way to work?

13 A It is.

14 Q Now, after you read what you read, I don't want to
15 get into what it is you read in the paper, but I take it you
16 recognized the name Dean Sacco?

17 A I did.

18 Q And did you then at some point say something to
19 somebody and start to find out, try to find out where this
20 matter was pending and where it was being tried?

21 A I did. I am, like I mentioned, I'm a prosecutor
22 and I work very closely with several FBI agents on a case
23 that I'm working on right now and I was at lunch yesterday
24 and was explaining to my -- the FBI agent I work with, you're
25 not going to believe what happened to me this morning and I

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1 was curious whether the Mr. Sacco mentioned in the press
2 article was the same Mr. Sacco that I knew from Jersey City.
3 And so in my presence the FBI agent who I'm working with on a
4 case appeared to me to call the FBI, her colleagues in Newark
5 and asked -- I mean I heard her ask on the telephone if she
6 could find any information about your matter and through her
7 inquiry, I was able to or I was led to Agent Lyons. She I
8 guess -- it appeared to me that she asked somebody, whoever
9 she was talking to on the telephone, to find the case agent
10 assigned to this matter and she got two telephone numbers.
11 One was an office phone number and one was a cellphone number
12 and I reached out to Agent Lyons on both phone numbers to try
13 and determine whether the agent -- excuse me, Mr. Sacco was
14 the same person who I knew.

15 Q And did you then at some point have a brief
16 conversation with Agent Jim Lyons?

17 A I did yesterday.

18 Q And I take it you met Agent Lyons who's sitting
19 here right in front of me?

20 A I did. Met him in person for the first time today.

21 Q Yesterday at some point did you and I have a
22 conversation?

23 A We did. Yesterday afternoon at some point.

24 Q And then in connection to that conversation, did I
25 e-mail you something?

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1 A You did. You e-mailed me a photograph.

2 Q Who was the photograph that you received? Did you
3 recognize that photograph?

4 A I did. I recognized the photograph that you
5 e-mailed me as the Mr. Sacco that I had met in Jersey City,
6 New Jersey.

7 Q Okay. Just for the record, do you see Mr. Dean
8 Sacco that you know of here in court today?

9 A I do. I saw him as I walked in the courtroom and I
10 can see him now.

11 Q Okay. He's sitting where just for the record?

12 A Sitting in -- I think he's the second person in on
13 the right. He has a blue shirt on.

14 MR. LOVRIC: Just for the record I believe
15 identifying the defendant Sacco.

16 THE COURT: Record will so reflect.

17 Q Mr. Lurie, just very briefly, you indicated you
18 work at the US Attorney's Office and generally speaking just
19 what kind of work do you do? What kind of matters do you
20 work on, not specifically?

21 A At this point I specialize in prosecuting political
22 corruption cases, so that involves the prosecution of --
23 investigation/prosecution of elected officials, government
24 officials, appointed officials or those people who do
25 business with government or government entities.

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1 Q And in the course of your -- actually I should ask
2 you how many years have you been in the US Attorney's Office?

3 A I've been with US Attorney's Office since September
4 of 2005. Before that I was a criminal defense lawyer for
5 about three years and had worked on all sorts of criminal
6 defense matters and I had also done a fair amount of pro bono
7 work with my law firm before I joined the US Attorney's
8 Office and that pro bono work included the representation of
9 incarcerated people who are claiming civil rights violations.
10 Before that I had the pleasure for clerking for a United
11 States District court Judge for two years.

12 Q That must have been the best experience --

13 A It was terrific.

14 Q In the course of being a federal prosecutor have
15 you, prior to your what seems to be now primary work in
16 political corruption, did you also at some point prosecute
17 cases dealing with child pornography and those kind of
18 offenses?

19 A Yes, I did.

20 Q Now, how do you remember first meeting Mr. Sacco?

21 A I work out -- at the time, anyway, I was working
22 out at a boxing gym in Jersey City and it's not too far from
23 my house and this was in 2006 and I would go there three or
24 four times in the morning, early, and I met Mr. Sacco at the
25 gym and we sparred together in the boxing ring couple times a

1 week, both in the spring of 2006 and then again briefly in
2 the fall of 2006.

3 Q And your, if I could put it, your time span that
4 you knew of or knew Mr. Sacco and from time to time you had
5 occasion to either see or speak to him, what would you
6 approximate from about when to about when was that?

7 A I would say just approximately, approximately
8 February or March of 2006 until approximately April or May of
9 2006. I remember that because in April of 2006 I had a trial
10 that the defendant in that case decided to plead guilty on
11 the morning of jury selection. It's a case that sticks out
12 in my mind and I remember initially meeting and working out
13 with Mr. Sacco during that period of time and then I also
14 remember in the fall, we had been sparring together in the
15 boxing ring until around April or May and then I recall
16 wanting to train for a marathon. So I basically explained to
17 Mr. Sacco I'm not going to be training in the boxing ring for
18 a little while. I wanted to get ready to run a marathon in
19 the fall, so I took a couple months off and then after the
20 marathon, which was in Rhode Island sometime in October of
21 2006, I came back to the gym and ran into Mr. Sacco again and
22 I remember that we began to spar briefly again. My best
23 guess is for about a month period or so. The other times I
24 would run into him on days I wouldn't be in the gym. I would
25 often times go running, say, early in the morning and

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1 sometimes I'd run into Mr. Sacco who would be riding his bike
2 in -- Jersey City has a big park and there's a five mile loop
3 or so in the park and so when I would be running early in the
4 morning sometimes I would see him riding his bike, also
5 exercising. And if he saw me he might ride his bike up to me
6 and ride next to me for about a mile or so or two miles while
7 I was running.

8 The only other way I know Mr. Sacco, from time
9 to time in the morning at the boxing gym he would ask me and
10 invite me to come to a wine tasting at a place that he worked
11 at in Jersey City, New Jersey which was -- I can't remember
12 the name of it at this point. Something like make wine with
13 us. In any event, he would ask me to come there to taste
14 wine and he said bring your wife and I remember saying no, a
15 few times and when he asked again, at some point I agreed to
16 go and so my wife and I went to this, to taste wine at
17 this -- at the place where he apparently worked and I
18 interacted with him a little bit that evening as well. So
19 those are the ways in which I've known him.

20 Q In addition to the wine place, did he ever indicate
21 to you any other place or any other type of employment that
22 he had in the New Jersey area?

23 A He -- yes, he did. What would happen is when we
24 would finish our work -- before we start our work out we
25 would take just make small talk. Certainly when we were --

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1 when I was running we would make small talk and when I saw
2 him at the wine place we would make small talk. I can't
3 remember in which setting he told me other things that he had
4 done but it was certainly one of those settings. He
5 explained that he was moving furniture for a furniture store.
6 I also remember him explaining to me that he was looking for
7 work. He was considering becoming a tour guide is my best
8 recollection in Manhattan for Manhattan tourists.

9 Q Now, at any point during the time that you
10 interacted with Mr. Sacco, at any point did he ever ask or
11 inquire of what you do for a living and how you do your job.
12 Anything about that?

13 A He did. Again, I can't tell you exactly which
14 setting it happened in but I'm certain it was either at the
15 gym or while I was running. He asked me what I did for a
16 living and I explained to him that I'm a federal prosecutor
17 in New Jersey. And he asked me what do I do, what kind of
18 cases do I prosecute and at the time, again, this was in
19 2006, at that time I was prosecuting a variety of different
20 types of federal crimes, one of which was child exploitation
21 cases. I was also prosecuting violent crime cases. I was
22 prosecuting financial fraud cases. And in response to his
23 general question about what I did, I explained to him what I
24 just explained to you all. This is what I do for a living,
25 these are the kinds of cases I prosecute and he asked me

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1 follow-up questions. He asked me to tell him a little bit
2 about types of cases in more detail that I prosecute. The
3 types of defendants that I've prosecuted. He asked me, in
4 general, he asked me how we develop cases? In other words,
5 how do we learn about potential suspects and I do recall in
6 the area of child exploitation in particular. He did ask me,
7 in general, how do you learn about suspects who are engaging
8 in that sort of activity? And he asked me about the nature
9 of just generally -- he didn't use the words I'm using but
10 I'm doing the best I can to sort of summarize what he said
11 just, in general, the nature of evidence that we acquire in
12 those sorts of cases and I remember explaining to him that we
13 can learn about these cases in all sorts of different ways.

14 I remember explaining just generally that sometimes
15 the victim will complain to the FBI or complain to the US
16 Attorney's Office which will result in an investigation. I
17 also remember explaining to him that sometimes a credit card
18 company might make a report to the FBI about suspicious
19 activity that they're seeing. And when it came to evidence I
20 remember just again, just generally, talking about a lot of
21 times some of the most incriminating evidence can be found in
22 computers, can be found in photographs. I remember again
23 just generally conveying how difficult I found those cases to
24 prosecute because of the nature of the evidence and how much
25 I just didn't enjoy looking at it.

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1 Q And my final question, Mr. Lurie is, during these
2 conversations did Mr. Sacco, when he's talking to you about
3 your work, did he seem very interested in knowing what it is
4 you do and how you do your job?

5 A He did. My experience with Mr. Sacco is that
6 he's -- he's an inquisitive person, and that was particularly
7 true in this area. He was very inquisitive about my work and
8 inquisitive about the child exploitation work. He did ask me
9 questions about some of the other areas, as well. But it
10 was -- it occupied equal, if not larger, portions of our
11 conversations or the types of conversations like you would
12 instigate with me or start with me would concern my work and
13 would concern those areas that I worked on and the types of
14 evidence and the types of cases I worked on.

15 Q I could say that was my final question but I do
16 have a final one. Mr. Lurie, prior to yesterday is it
17 correct you and I didn't know each other until you reached
18 out to Agent Lyons?

19 A I didn't know who you were and I've never spoken --
20 I didn't know who Agent Lyons was and I never spoke to either
21 of you before yesterday.

22 MR. LOVRIC: That's all I have, Judge.

23 THE COURT: Mr. Fischer.

24 MR. FISCHER: Thank you, your Honor.

1 CROSS-EXAMINATION

2 BY MR. FISCHER:

3 Q Mr. Lurie, my name is Kelly Fischer. I represent
4 Dean Sacco.

5 A Good afternoon.

6 Q Good afternoon. You are here voluntarily, no
7 subpoena, am I correct?

8 A That's correct.

9 Q Have you discussed this matter with Mr. Lovric
10 before testifying here today?

11 A Yes.

12 Q When?

13 A I spoke with him yesterday on the telephone and I
14 spoke with him this afternoon, as well. I presume it was
15 during lunch break.

16 Q How long did you spend speaking with Mr. Lovric
17 yesterday on the telephone?

18 A This is an estimate but I would say 15, maybe 15
19 minutes yesterday.

20 Q How long did you spend speaking with Mr. Lovric
21 today here?

22 A Again, just an estimate, but 10 or 15 minutes
23 today.

24 Q How long did you spend speaking with Mr. Lyons?

25 A Yesterday, maybe five or ten minutes by telephone.

1 And today, about the case, maybe five minutes about the case
2 today.

3 Q I'm led to understand you have a trial commencing
4 tomorrow?

5 A No. I don't have a trial commencing tomorrow. My
6 trial starts June 2.

7 Q Okay. So you do not have trial tomorrow?

8 A No.

9 Q You've been an Assistant United States Attorney for
10 how long now?

11 A Since September of 2005.

12 Q Since that time, actually before that time did you
13 receive any training to prepare you specifically to become a
14 US Attorney or an Assistant US Attorney?

15 A My life experience and my -- but nothing
16 specifically to become an Assistant US Attorney. Like I
17 mentioned, I was a criminal defense lawyer. I find that
18 experience very helpful.

19 Q I should rephrase my question then.

20 A Okay.

21 Q Did you receive any specific training by the United
22 States government to prepare you to become an Assistant
23 United States Attorney?

24 A Not before I became an assistant, no.

25 Q Since then you have, I assume?

1 A Yes.

2 Q How much.

3 A I spent two weeks at the Department of Justice's
4 Training Center in South Carolina. My best guess is maybe a
5 month or two after I started at the office.

6 Q What other training have you received to -- from
7 the US Government in connection with educating you concerning
8 your duties as an Assistant United States Attorney?

9 A On-the-job training. My office on most Monday
10 nights, not every Monday night, most Monday nights, there's a
11 lecture by a Senior Assistant United States Attorney
12 concerning a particular area of law or a particular
13 investigative technique and I have attended on a fairly
14 regular basis those Monday night meetings.

15 Q Anything else?

16 A Again, other than conversations I have every day
17 with my colleagues and on-the-job training, nothing official.

18 Q You have presented, tried a number of jury trials,
19 am I correct?

20 A Since my time at the United States Attorney's
21 Office I have tried two jury trials. I'm about to try my
22 third on June 2.

23 Q In connection with jury trials in your work with
24 the United States Attorney's Office, have you received any
25 training about how to work with juries?

1 A I think I know where you're going. I wouldn't say
2 yes to that question. I would say I have received training
3 on presenting cases to juries.

4 Q What trainings have you received?

5 A During my two weeks at Department of Justice
6 Training Center I received training concerning what makes an
7 effective opening statement, what makes an effective closing
8 statement, effective ways to present evidence to juries. I
9 received training on the various things that people like me
10 think that juries care about. For example, the way we may
11 present ourselves to a jury, the way we may appear to a jury.
12 So I received training along those lines.

13 Q How big is the office in which you work, how many
14 attorneys?

15 A My estimate would be about 145 Assistant United
16 States Attorneys in New Jersey.

17 Q Your office of the United States Attorney's Office
18 for the District of New Jersey has its own office of public
19 affairs, am I correct?

20 A Yes.

21 Q Is it the practice of your office that when a case
22 is resolved favorably to the United States, a criminal case,
23 that it is published via the internet with the name of the
24 United States Attorney listed?

25 A I can't tell you whether it's the practice in every

1 case. I can certainly tell you it's the practice for many
2 cases.

3 Q Are there promotions to be had in your role as an
4 Assistant US Attorney or once you become an Assistant US
5 Attorney you stay where you are pretty much?

6 A There are promotions.

7 Q How do you get promotions?

8 A I'm a line assistant. I don't actually know what
9 goes into awarding promotions. I can -- generally speaking,
10 I know people in my office who are been promoted. They're
11 usually very well regarded for various reasons. But actually
12 what goes into making a promotion, I'm not privy to that
13 information.

14 Q Have you spoken with your boss about what you are
15 going to do today?

16 A Yes.

17 Q You told him you're going to come up here to help
18 another United States -- Assistant United States Attorney
19 prosecute a case?

20 A I didn't put it that way but I did explain that I'd
21 be coming up here to testify in a federal criminal case. I
22 actually asked whether he had any objection or the office had
23 any objection to that.

24 Q Do you believe coming up here to help Mr. Lovric
25 present this case is going to hurt you in your job?

Adam Lurie - Cross

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1 A I don't know.

2 MR. FISCHER: Thank you. Those are all the
3 questions.

4 THE COURT: Miss Peebles?

5 MISS PEEBLES: I have no questions.

6 THE COURT: Mr. Lovric?

7 MR. LOVRIC: That's all the questions I have,
8 Judge.

9 THE COURT: Okay. Thank you, Mr. Lurie.

10 THE WITNESS: Thank you, your Honor.

11 (Witness excused).

12 MR. LOVRIC: Judge, the next witness I would
13 call is Investigator Terry Shultz from the New York State
14 Police.

15 THE CLERK: Sir, please state your name for
16 the record.

17 THE WITNESS: Terry Shultz.

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Terry Shultz - Direct

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1 T E R R Y S H U L T Z, having been called as a witness,
2 being duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. LOVRIC:

5 Q Good afternoon, Investigator Shultz.

6 A Good afternoon.

7 Q Just for the members of the jury could you please
8 state your full name and tell us where you work and what do
9 you do.

10 A Terry Shultz. I'm employed by the New York State
11 Police as an investigator. I'm currently assigned to the
12 Troop C Major Crimes unit in Sidney.

13 Q Investigator Shultz, how long have you been with
14 the New York State Police?

15 A A little over 20 years. Twelve and a half years as
16 an investigator.

17 Q And during your tenure with the State Police, let's
18 start most currently, you're an investigator with the State
19 Police?

20 A Yes, sir.

21 Q What generally do you do as an investigator with
22 the State Police?

23 A Right now my assignment is major crimes unit is
24 basically to assist other departments, other police agencies,
25 other State Police units with investigating crimes that they

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1 may not have enough man powers or resources to do by
2 themselves. So myself and other people in my unit assist by
3 conducting interviews, running what's called lead desks,
4 things of that nature.

5 Q And do you work and assist either other agencies or
6 on State Police cases, do you work on one particular kind of
7 case or does it vary from topic or the type of criminal
8 investigation?

9 A It's pretty much whatever any department needs
10 assistance with. We've handled anything from larcenies to
11 bank robberies, armed robberies, assaults, homicides, child
12 pornography cases, burglary rings, whatever is needed.

13 Q Okay. And prior to becoming an investigator, what
14 kind of work did you do with the State Police?

15 A As a trooper.

16 Q Okay. Folks that we see on 88?

17 A Yes, sir.

18 Q Okay.

19 A I was a uniformed trooper, yes.

20 Q Now, in the course of your working as an
21 investigator with the State Police, have you from time to
22 time been involved in things such as obtaining search
23 warrants and executing or searching places in connection with
24 search warrants?

25 A Yes, sir. Numerous times.

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1 Q Now, Investigator Shultz, I'd like to talk about
2 your participation and assistance in the case at hand dealing
3 with a Mr. Dean Sacco and Linda O'Connor. Did you at some
4 point become involved in this matter in participating as an
5 investigator?

6 A Yes. My first involvement was on January 9 of
7 2008.

8 Q And when you first became involved, what other
9 police agencies, if you recall, were already involved in this
10 investigation?

11 A At that point it was the Norwich Police Department
12 and the Johnson City Police Department.

13 Q And then at some point, subsequent to your becoming
14 involved, did the FBI become involved in the investigation as
15 well?

16 A Yes. I was advised on, I believe it was
17 January 17, that Agent Lyons was opening a case on the
18 investigation.

19 Q Now, when you -- when you started your
20 participation in this investigation, in this matter, do you
21 recall one of the first things that you were involved in
22 obtaining or trying to search out to find if it could be
23 located?

24 A Yes, I did.

25 Q What was that?

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1 A On January 9 myself and Investigator MacNirmey,
2 Investigator Hall, all with the State Police, responded to
3 Renee Lang's residence in the Deposit area in an attempt to
4 locate a computer that was previously owned by George Lang,
5 her husband, her deceased husband at that time.

6 Q Okay. So by -- at that point in time you were
7 aware that George Lang had been deceased?

8 A Yes.

9 Q And I take it that you went to speak to Renee Lang
10 to try to find out where this computer was, if it was still
11 around and whether you could gain access to it?

12 A Yes.

13 Q And did you actually meet and speak to Renee Lang
14 on or about January 9 of 2008?

15 A Yes, I did.

16 Q Now, without telling us what she told you, did
17 there come a point in time when you then went to another
18 location in search of this computer?

19 A Yes.

20 Q Okay. Let me just ask you: When you were at Renee
21 Lang's residence were you -- were you able to or did you find
22 George Lang's computer at her residence?

23 A No, we did not.

24 Q It wasn't there anymore?

25 A Correct.

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1 Q What was the next residence that you went to then?

2 A The residence of Christie Lang who is Renee's
3 daughter in law who lives on Lumber Road in the Town of
4 Sanford which is in Broome County, I believe.

5 Q Okay. And did you have conversations with her?

6 A Yes, I did.

7 Q And were you able to locate the computer at her
8 residence?

9 A Yes, I was.

10 Q And when you first saw the computer, where was it?

11 A It was on an enclosed porch attached to her
12 residence.

13 Q Okay.

14 A Just setting on the floor.

15 Q Okay. Was it hooked up in any way?

16 A No, it was not.

17 Q And that computer that you identified, did you at
18 some point obtain permission to take it?

19 A Yes, we did from Christie Lang.

20 Q Okay. So she voluntarily allowed you to remove the
21 computer?

22 A Yes.

23 Q When we're talking about the computer, generally
24 speaking, what were the components that you took with you?

25 A The only component that we took was the actual

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1 computer itself, the tower which contains -- not the monitor,
2 keyboard, not the mouse -- just the tower which contains the
3 hard drive and processor and the items that actually run the
4 computer. The storage area.

5 Q Okay. Now, did you have any information whether or
6 not that computer had been anywhere else other than those two
7 locations that we just indicated?

8 A No. I learned that the computer had gone from
9 Renee Lang directly to Christie Lang and nobody else in
10 between.

11 Q Okay. Did you learn whether or not there were any
12 other persons that did anything with the computer or tried to
13 work on it?

14 A Yes. I learned that Christie's nephew had
15 attempted to repair the computer because it operated very
16 slowly. She had a hard time using it and learned that he had
17 attempted to repair the computer with no luck and she
18 basically just played some games on it and then it was in
19 such poor working condition that she placed it on the porch
20 and just left it sitting there. Didn't use it after that.

21 Q Okay. Now, when you recovered or took custody of
22 that computer, where did you eventually take that computer
23 to?

24 A The next day the computer was taken to the Broome
25 County CATS lab is a unit that does computer analysis and

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1 technical services unit. They basically do forensic
2 examinations of computers, cellphones, and electronic items,
3 videos, things of that nature.

4 Q Okay. And once you left it or gave it to the
5 Broome County Security, CATS unit, did the computer remain
6 there?

7 A I myself didn't take it there. Investigator Hall
8 had taken it on January 10 to the CATS lab and then it did
9 remain there. I had no further contact with it.

10 Q Okay. And is it fair to say that it was taken
11 there to see if the CATS unit could do some type of forensic
12 examination of it?

13 A Exactly, yes.

14 Q Now, in connection with this matter, did you also
15 at some point obtain any records or documents from a Pet
16 Street Station Animal Hospital in Norwich, New York?

17 A Yes, I did.

18 Q I'd like to show you what I marked as Government's
19 Exhibit number 15.

20 MR. FISCHER: No objection.

21 Q Investigator Shultz, I'll just ask you to take a
22 look at it. I don't want to presume but do you recognize
23 that?

24 A Yes, I do.

25 Q What is that?

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1 A This is the records that I obtained from the Pet
2 Street Station Animal Hospital on County Route 32 in the Town
3 of Norwich. It looks like the original handwritten notes and
4 then I printed out a copy of the records kept at the Pet
5 Street Station in reference to Linda O'Connor's dog named
6 Buddy.

7 MR. LOVRIC: Judge, I would offer Government's
8 Exhibit number 15 into evidence.

9 MISS PEEBLES: No objection.

10 MR. FISCHER: No objection.

11 THE COURT: Receive Government's 15 in
12 evidence.

13 Q Investigator Shultz, I'm going to put on the
14 document camera Exhibit 15 and on the very top left-hand
15 corner is a business card of some sort?

16 A Yes.

17 Q Is that the business card of the person that you
18 obtained these records from?

19 A Yes. Doctor King, yes.

20 Q And I know it sounds self-explanatory, what is Pet
21 Street Station Animal Hospital?

22 A It's a veterinary clinic, basically for animals and
23 they also board animals there.

24 Q Okay. These specific records, I'll just flip up
25 the card out of the way, these specific records pertain to

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1 whom?

2 A To Linda O'Connor -- well, to her dog Buddy owned
3 by Linda O'Connor.

4 Q And I'm looking and putting on the document camera
5 the first page and about a third of the way down, as I'm
6 pointing the way down, there's an entry of November 30, 2006
7 and then it reads what appears to be -- I'm not going to
8 attempt -- it appears to be a word 11/30/06 to 12/4/06 and
9 then there's some discussion about check hick-ups and it
10 reads on and on. Have you had a chance to take a look at
11 those entries in that place?

12 A Yes, I have.

13 Q Is there an indication that Buddy, the dog, spent
14 from November 30, 2006 to 12/4/06 at the animal hospital?

15 A Yes.

16 Q And then there's other notations in there about
17 Buddy's veterinarian exposure, I take it?

18 A Correct.

19 Q And then on the second page of those records about
20 three-quarters of the way down, actually I'm sorry, more like
21 the very bottom. There's notation under 11/30/2006. It says
22 logged in 11/30/2006 and it has a time and then under
23 12/1/06 it indicates some tests are being conducted on Buddy,
24 is that correct?

25 A That's correct.

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1 Q And then on the third page again, the top third I'm
2 pointing to, there's an indication that Buddy spent from
3 11/30/06 to 12/4/06 at the animal hospital?

4 A Yes.

5 Q From these records, does it also indicate that
6 there at some point became a new owner for the dog?

7 A Yes.

8 Q And is that this entry right here on this third
9 page for 1/4 of '08?

10 A Yes.

11 Q Investigator Shultz, in the course of participating
12 in this investigation, let me withdraw that for a second.
13 Investigator Shultz, I take it yourself you didn't do
14 everything in this case? Like you didn't investigate every
15 aspect of it?

16 A No, I did not.

17 Q So the things we're going to talk about are things
18 you participated in?

19 A Correct.

20 Q Are you aware of other investigators doing other
21 parts and pieces of the investigation?

22 A Yes, I am.

23 Q Do you know, for example, Investigator Rich Berry?

24 A Yes, I do.

25 Q Which department does Rich Berry work with?

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1 A The same unit as I do. Troop C Major Crimes unit.

2 Q And in this particular case are you aware of some
3 participation by Investigator Berry?

4 A Yes, I am.

5 Q What area in this case are you aware that Rich
6 Berry focused on and worked on?

7 A Doing the phone records.

8 Q Okay. Telephone records, things of that sort?

9 A Yes.

10 Q Okay. I just want to make sure, for example, we're
11 going to talk about a search warrant that you participated
12 in. Do you recall participating in a search warrant at a
13 storage center in Norwich, New York?

14 A Yes, I do.

15 Q Are you aware that there were other search warrants
16 that were done in connection with this case?

17 A Yes, I am.

18 Q Now, did you participate in all the search warrants
19 that were executed?

20 A No, not all of them.

21 Q Okay. Investigator Shultz, the search warrant at
22 the storage center in Norwich, New York, do you recall
23 participating in that warrant somewhere on or about March 11
24 of 2008?

25 A Yes, I do.

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1 Q And you and other investigators went there with a
2 warrant in hand?

3 A Yes, I did.

4 Q And what unit was it that you were going to be
5 searching?

6 A Number 129.

7 Q And in connection with searching unit 129, did you
8 also at some point obtain from the Storage Center the
9 business records or the records dealing with unit 129?

10 A Yes, I did. On the same day, March 11.

11 Q Okay. Again, I know it's self-explanatory, what is
12 the Storage Center, just describe for us?

13 A It's basically buildings in which storage units are
14 contained. There are separate buildings, three or four
15 buildings at least, and in each of those buildings are 30, 40
16 little storage units varying in sizes.

17 Q And in searching unit number 129, to your
18 knowledge, what was it that lead investigators to unit 129?

19 A It was an interview conducted by Sergeant Blenis of
20 the Norwich Police Department, an interview of Clesson
21 Lockwood who is a resident of the City of Norwich and he
22 provided information that some of Mr. Sacco's belongings from
23 45 Fair Street in the City of Norwich were stored at storage
24 unit number 129 of the Storage Center.

25 Q And in connection with the search warrant, March 11

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1 about, approximately, not an exact, but approximately how
2 much prior had this information been obtained from
3 Mr. Clesson Lockwood about this storage unit, 129?

4 A The night before, so March 10.

5 Q And did you actually participate in drafting the
6 warrant?

7 A Yes, I did.

8 Q Now, what I'd like to do, Investigator, I'd like to
9 show you, if I could, exhibit marked for identification 16
10 through 33 and if I can show it to counsel, Judge?

11 THE COURT: Okay.

12 Q Investigator Shultz, let me first show you Exhibits
13 16 through 33 and if you could look at those, just look
14 through them generally and then let me know if you can
15 identify what they are generally speaking.

16 A Yes, I can.

17 Q Generally, 16 through 33 are what?

18 A Photographs of the Storage Center individual
19 storage units and items located within storage unit number
20 129.

21 Q And I ask asked you before you were present at that
22 unit when it was searched for the entire time?

23 A Yes, I was.

24 Q Sixteen through 33, do they accurately depict what
25 was found when that unit was open and what was found inside

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1 and some of which was also taken pursuant to the search
2 warrant?

3 A Correct.

4 MR. LOVRIC: Judge, I would offer 16 through
5 33 and then I would ask to go through each one and have him
6 explain what they are specifically.

7 MISS PEEBLES: I have no objection, your
8 Honor.

9 MR. FISCHER: Your Honor, I wonder if I could
10 conduct a voir dire of the witness concerning those?

11 THE COURT: Yes, you can.

12 VOIR DIRE EXAMINATION

13 BY MR. FISCHER:

14 Q Good afternoon, sir, I'm Kelly Fischer. I
15 represent Dean Sacco. Am I correct in understanding that the
16 stuff that was in this locker 129 or storage unit 129 was
17 brought there by, not by Mr. Sacco, but by somebody else?

18 A That's correct.

19 Q And that Mr. Sacco never put anything in -- based
20 on your understanding, Mr. Sacco never put anything into that
21 storage unit 129?

22 A To my knowledge, no, he has not.

23 Q It was, in fact, Clesson Lockwood who put the
24 things in that storage shed, is that correct?

25 A Yes, sir.

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1 Q And it was, in fact, Clesson Lockwood that
2 originally rented that storage shed in June, was it, of '07?

3 A Yes, sir.

4 Q Do you know when the items were placed in that
5 storage unit?

6 A No, I don't. Not the exact date, no.

7 Q Do you know whether any of the items that are in
8 that storage shed belong to Clesson Lockwood?

9 A To my knowledge, nothing in there belongs to him.

10 Q And your knowledge is based upon statements from
11 Mr. Lockwood?

12 A Based upon his statement to Detective Blenis and
13 based upon statements to me.

14 Q But it all comes directly from Mr. Lockwood, am I
15 correct?

16 A What comes from?

17 Q The information.

18 A Yes, sir.

19 Q Upon which you base the belief that the items are
20 not Mr. Lockwood's come from Mr. Lockwood?

21 A That, and along with that are the records from the
22 storage unit, from the Storage Center. At one point the
23 storage unit was being paid for by Clesson Lockwood in, I
24 believe, it's October of 2007. Payment for that storage unit
25 changes to being paid for by Elizabeth Dinunzio, who we know

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1 is Mr. Sacco's mother.

2 Q Correct. Originally, when Mr. Lockwood opened up
3 this storage unit, Mr. Sacco did not have access to this, is
4 that correct?

5 A That's correct. Yes.

6 Q And, in fact, has never had access to storage unit
7 number 129, am I correct --

8 A That's correct.

9 Q -- except through Mr. Lockwood?

10 A Correct.

11 MR. FISCHER: Your Honor, I do have an
12 objection to the items.

13 THE COURT: Well, I think that there may have
14 to be some connection, so let's go to side-bar for a minute.

15 (At the Bench).

16 THE COURT: Okay. There's some question in
17 the Court's mind at this point as to whose materials were in
18 that storage unit, even though they were paid for by Mr.
19 Sacco's mother. And my question would be, are you going to
20 be able to connect that up? If you can, then if you can tell
21 us how you're going to connect it up and I'll admit that
22 subject to connection. If you can't do it, I probably won't
23 admit it.

24 MR. LOVRIC: Mr. Lockwood will be called as a
25 witness. He will testify in the summer of 2007 -- well,

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1 first of all -- back up. Mr. Lockwood will testify that he
2 knew Mr. Sacco well before Mr. Sacco was arrested and
3 charged. He was a handyman for Mr. Sacco, Mr. Lockwood was.
4 He would do odd-end jobs for him. Clear brush for him, haul
5 garbage away for him, and Mr. Sacco would pay him for these
6 things. He's a handyman in Norwich and works for a lot of
7 different landlords and people. And he said that after Mr.
8 Sacco was arrested, he didn't know for what, Mr. Sacco
9 reached out to him and asked him to come see him at the jail.
10 Mr. Lockwood went and Mr. Sacco asked that Mr. Lockwood rent
11 a storage unit for him, Mr. Sacco, that he rent it and that
12 he go to his property and from the shed at the 45 Fair Street
13 property, that he remove all the property from there which is
14 Mr. Sacco's and put it into the storage unit. Mr. Lockwood
15 will testify that he did that. And he will testify that Mr.
16 Sacco paid him for the storage unit for a number of months
17 from his commissary account at Chenango County. And then Mr.
18 Sacco also asked him on one occasion to go to the unit and
19 bring some magazines to him at the jail, which he did but
20 other than that he put all of Mr. Sacco's things, belongings
21 in there and that then at some point Mr. Sacco's mother took
22 over payments of the property in the unit and he no longer
23 then had anything to do with the payment of the stuff.

24 THE COURT: Can Mr. Lockwood identify the
25 items in the pictures?

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1 MR. LOVRIC: Yeah, he put everything into that
2 unit from Fair Street.

3 THE COURT: Okay.

4 MR. LOVRIC: He took everything from 45 Fair
5 Street shed and put it in there.

6 THE COURT: I understand that. I just wanted
7 to know if he could identify.

8 MR. LOVRIC: Also, the property in the storage
9 unit, a lot of it is self-identifying in that it has Mr.
10 Sacco's name, mail, his storage locker with his name on it.

11 THE COURT: Okay.

12 MR. LOVRIC: There's no question in my mind we
13 can show it's his property.

14 THE COURT: Mr. Fischer.

15 MR. FISCHER: Your Honor, some of the things
16 that Mr. Lovric mentioned are correct, that there are some
17 items in that storage unit that can be connected up to Mr.
18 Sacco. There are some things in that storage unit that may
19 not be able to be connected up to Mr. Sacco.

20 THE COURT: You're going to have to identify
21 which can and which can't.

22 MR. FISCHER: Frankly, the item that I'm
23 talking about is the one bit of evidence that the prosecution
24 claims connects Mr. Sacco to this young women as physical
25 evidence and that's a used condom. We have the DNA evidence

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1 from the government which shows that the condom that was
2 found in that locker contains DNA linked scientifically to
3 Shannon O'Connor, also linked scientifically to some
4 unidentified male. And that is the item that you know
5 Mr. Lockwood, I presume, is going to deny ever having seen
6 until it appeared in this locker.

7 THE COURT: Well, this is the first time I
8 heard about that. You're saying he specifically knows it
9 wasn't among the items he brought?

10 MR. FISCHER: I don't know whether Mr. Clesson
11 Lockwood actually knows or doesn't know, Judge. I presume I
12 know what he's going to say on the witness stand and that it
13 is not his but --

14 THE COURT: It didn't belong to him.

15 MR. LOVRIC: Judge, Mr. Lockwood didn't handle
16 a used condom, come on. The used condom was found in a box
17 with envelopes in Mr. Sacco's dresser in that storage unit.

18 THE COURT: Oh, yeah.

19 MR. LOVRIC: Mr. Lockwood moved the dresser
20 from 45 Fair Street shed to the storage unit. Mr. Lockwood
21 helped Mr. Sacco move the dresser from the upstairs apartment
22 to the shed. So, he's not going to say he found a condom.
23 He's not going to wave it and say I found this but
24 circumstantially and logically it will show that all of this
25 property came from 45 Fair Street, into the shed to the

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1 storage unit, and then from there it's argument to the jury
2 whether or not it is or isn't but it's clearly material that
3 is connected to him.

4 MR. FISCHER: I actually understand, your
5 Honor, that the dressers belonged to Mr. Piper originally.

6 THE COURT: Mr.?

7 MR. FISCHER: Mr. Piper, the old gentleman who
8 lived upstairs. 80 some years old.

9 THE COURT: Well, I think there's enough here
10 for the Court to admit the exhibits subject to connection and
11 that's what I'm going to do.

12 Now, we're going to take a ten-minute break.

13 (Short break taken).

14 (At the Bench).

15 THE COURT: Mr. Fischer wants to make some
16 observations before we go forward.

17 MR. FISCHER: Thank you, your Honor. Some of
18 the photographs show girl magazines, you know, apparently
19 young girls in pornography magazines and they appear to be
20 over-the-counter magazines but they are evidence of prior bad
21 acts. Basically, as I understand what they're being offered
22 to introduce or to prove --

23 THE COURT: Do they depict underage girls and
24 prepubescent girls in sexually explicit conduct?

25 MR. FISCHER: What appear to be

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1 over-the-counter magazines, probably not.

2 THE COURT: How is that a bad act?

3 MR. FISCHER: Immoral propensity I suppose is
4 what I would believe it to be offered for, that's the purpose
5 of it.

6 THE COURT: It can't come in for any immoral
7 propensity purpose. I don't think it's a prior bad act. Is
8 it a bad act for somebody to have adult pornography?

9 MR. FISCHER: I think you can make that
10 argument, Judge. It's an immoral act.

11 THE COURT: I don't think from a legal
12 perspective it is. Maybe some moral objections to adult
13 pornography. Probably most people don't look at it but some
14 do.

15 What's your position?

16 MR. LOVRIC: It has nothing to do with
17 legality. In this case, as I said before, unfortunately
18 there is a lot of information here about sex but that's what
19 the nature of this case is about. The charges dealing with
20 sexual conduct and sexual matters. The magazines here are
21 relevant to show Mr. Sacco's interest in young women but not
22 that some prior act or bad act -- it's not.

23 THE COURT: Well, if Mr. Fischer wants me to,
24 I would be willing to give the jury a charge saying that if
25 the photographs depict magazines showing women that cannot be

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1 considered for the purpose of concluding that Mr. Sacco has a
2 propensity to do anything to or with women.

3 MR. FISCHER: Well, Judge, my concern, as I
4 understood Mr. Lovric to just say, basically to show just
5 that. That the propensity of Mr. Sacco is that interest in
6 that particular type of pornography. And if that's correct,
7 if my interpretation my, understanding of what Mr. Lovric is
8 saying, I think --

9 THE COURT: It's really not a prior bad act
10 because what he's saying, it's to prove in this case and
11 these charges that this particular defendant had that
12 interest because he had that material in his storage locker
13 and I think for that purpose it can come in but if you want
14 me to charge the bad act aspect out of it, in other words,
15 that this defendant is inclined to do bad things because he
16 had those magazines.

17 MR. FISCHER: No, Judge. I would not like
18 that.

19 THE COURT: I don't blame you. But I offered
20 it.

21 MR. FISCHER: I appreciate that.

22 THE COURT: Okay.

23 (In open Court).

24 (At the Bench).

25 MR. FISCHER: May I address one more issue?

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1 THE COURT: Yes.

2 MR. FISCHER: I guess I request, your Honor,
3 at this point that the -- as I understand it, these are
4 over-the-counter magazines, not depicting children. That's
5 my understanding. And what I would ask then is an
6 instruction to the jury to reflect that this is, in fact, not
7 child pornography. It's not being introduced --

8 MR. LOVRIC: I have no objection.

9 THE COURT: You got it.

10 MR. FISCHER: Thank you.

11 (Jury present).

12 THE COURT: As I understand it, Mr. Lovric, at
13 this time you're going to be offering Government 16 through
14 and including 33 in evidence?

15 MR. LOVRIC: Yes, your Honor.

16 THE COURT: Ladies and gentlemen, these are --
17 well, first of all, let me admit those exhibits, that's 16
18 through 33 inclusive, subject to connection. These are
19 pictures purportedly of items that were in storage unit 129.
20 As I understand the discussion that we just had, in those
21 pictures, although I've never seen them so I don't have any
22 idea what they look like, they are portrayed as
23 over-the-counter type magazines that have images of ladies of
24 some kind. It's -- this is not child pornography. It's not
25 being offered to show that there was any child pornography in

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1 that unit. But those pictures are displayed there I'm told.
2 There you go.

3 BY MR. LOVRIC:

4 Q Investigator Shultz, I'd like to start by putting
5 on the document camera Exhibit 16 in evidence. Do you
6 recognize what's in Exhibit 16?

7 A Yes, I do.

8 Q Can you briefly tell the jury what it is that
9 they're looking at in Exhibit 16?

10 A Along the left side is the row of storage units
11 where storage unit 129 is contained. On the right side
12 behind the pickup truck is another building containing other
13 storage units.

14 Q And this storage unit area is the place that I
15 referred to as -- called the Storage Center?

16 A That's correct.

17 Q And that's located where approximately?

18 A County Route 32 in the Town of Norwich. Chenango
19 County.

20 Q Okay. And just, generally speaking, how far is
21 that from Norwich proper itself?

22 A The outside -- it's in the Town of Norwich and it's
23 only a short distance outside of the City of Norwich, I
24 believe. I'm not too familiar with the exact boundaries but
25 less than two miles outside of the city I believe. Closer

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1 to --

2 Q Okay. Now I'm going to put on the screen what's
3 numbered as Exhibit number 17. Can you tell the jury what it
4 is we're looking at there?

5 A That's a photograph storage unit 129 with a pad
6 lock on it.

7 Q I'm now going to put on the screen Exhibit number
8 18 in evidence.

9 A That would be me opening up storage unit number 129
10 with some of the contents inside of it.

11 Q Okay. Now, looking at Exhibit 18 as we're looking
12 at this doorway area, is this the entire width of this
13 storage unit from where I'm pointing to right now?

14 A Not the doorway, no, it's not the entire width.

15 Q About how much more inside in terms of width is
16 there approximately?

17 A Probably two more feet on each side maybe. A foot.

18 Q Would you say it's a fairly narrow storage unit?

19 A Yes.

20 Q Now, putting on the screen Exhibit number 19, what
21 are we looking at there?

22 A Photograph of the door entirely open with the
23 contents of unit 129.

24 Q Okay. Now, in this Exhibit 9 I'm going to point to
25 a couple of things if we can just talk about them. Right

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1 here to the forefront left in the photo there's a white
2 appearing shaped unit. What is that?

3 A It's a small refrigerator.

4 Q Okay. And then on top of that refrigerator, what
5 is that -- at some point after you removed that, what did you
6 find that to be?

7 A Kind of like a little foot locker, other storage
8 container, like a personal storage container.

9 Q Okay. And then on the top right here there are
10 somewhat appear to be box type things. What did those turn
11 out to be?

12 A I believe those were dresser drawers.

13 Q Okay. Now, I'm going to put on the screen on the
14 document camera Exhibit number 20. Is that a little bit more
15 of a close up of some of those items, especially the ones in
16 the top back there?

17 A Yes.

18 Q Okay. So, again, pointing to this top right box
19 like things, you can actually see, I guess, the handles of
20 drawers there?

21 A Yes. The top two are dresser drawers and the third
22 one down is a cardboard box.

23 Q Okay. Now in this storage unit, did you and the
24 other investigators at some point locate inside there a
25 dresser?

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1 A Yes.

2 Q Where in this storage unit was a dresser located?

3 A If you stepped into the storage area and turned and
4 faced the refrigerator and that foot locker, I'll call blue
5 storage container, it would be just to the right of that.
6 Almost to the left of the bicycle tire, front of that bicycle
7 tire, or the front tire of the bicycle I mean would be on the
8 floor just to the left of that.

9 Q So, to the left of this area right here that I'm
10 pointing to now near this bicycle tire area?

11 A Yes.

12 Q Putting now on the screen Government Exhibit 21 in
13 evidence. This is a picture of what?

14 A That's the foot locker I'll call it with the top
15 closed with the name Dino on the front on the top of it.

16 Q Exhibit number 22 in evidence, give me one second,
17 Investigator. One of the lights here is collapsed. I'm
18 sorry about that. And on the front part of the foot locker
19 it says -- reads Dean M. Sacco?

20 A I believe that's the back of it actually.

21 Q I'm sorry. Putting on the screen now Government
22 Exhibit number 23, what are we looking at there?

23 A Disks, what appear to be computer disks and these
24 were items that were located within side the unit, appear to
25 be sitting on top of the refrigerator at that point. Also an

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1 envelope addressed to Dean Sacco, 522 Westside Drive, I
2 believe, Jersey City, New Jersey. And that is leaning up
3 against what appears to be clear plastic bin with some more
4 CDs in it and some other documents.

5 Q Okay. Now, during the course of searching this
6 storage unit, did you find any computer in that storage unit?

7 A A computer itself, no, we didn't.

8 Q Did you find any other computer equipment aside
9 from the CDs that we're looking at?

10 A No, we did not.

11 Q I take it, Investigator Shultz, these CDs I'm
12 pointing to here on the right, at least the top one, appear
13 to be the kind of CDs you would pop into a computer or work
14 into a computer?

15 A Yes.

16 Q Putting on the screen now Government's Exhibit
17 number 24, that's a photograph of what items?

18 A At the top is an envelope, written on the front of
19 it is Linda's lease. Below that is a month-to-month rental
20 agreement document that appears to be filled out regarding
21 Linda O'Connor renting 45 Fair Street from August 1, '06 and
22 to the right of that is a photograph of receipt.

23 Q Okay. Putting on the document camera Government's
24 Exhibit number 25, what is that we're looking at in the
25 picture?

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1 A A box of -- it's a Trojan box of condoms and there
2 appears to be three or six unwrapped condoms.

3 Q In individual wrappers?

4 A In individual wrappers, right.

5 Q They're in wrappers, right?

6 A Yes.

7 Q Government Exhibit number 26. What is it that
8 we're looking at there?

9 A It's personal lubricant and that's -- the one on
10 the left, called Astroglide, and the one on the right is a
11 desensitizer. Items that would be used commonly during a --
12 sex acts.

13 Q They're sexual lubricants?

14 A That's correct.

15 Q Now, put on the document camera Government Exhibit
16 number 27, Investigator Shultz, let me just do this before I
17 break this machine, excuse me. I'm having a little trouble
18 with the light. Government Exhibit number 27 shows what?

19 A A condom setting on top of an envelope, behind that
20 is an envelope box containing other unused envelopes. The
21 condom is out of its wrapper and appears to have been used.

22 Q Now, where was this used condom found?

23 A That was found inside of that envelope box, next to
24 the envelopes, just setting on the bottom of the box and the
25 box itself was found inside of a dresser drawer which was in

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1 the dresser which was inside the storage unit.

2 Q And if I can zoom a little bit out in the picture.
3 I take it the envelope that this condom is sitting on right
4 now, was that envelope placed there by you and one other
5 investigator?

6 A Yes, it was.

7 Q So this condom was in this envelope box?

8 A Correct.

9 Q And this item that this box and the condom are
10 sitting on that I'm pointing to right now, the top, what is
11 at the top of that it's all sitting on?

12 A That's the top of the refrigerator I believe.

13 Q Okay. This black top right here that I'm looking
14 at right now?

15 A Oh, I'm sorry. That's -- I'm looking at the --
16 what your photograph is sitting on top of. It's the top of
17 the dresser.

18 Q Okay. I mean, if I pick up the photo I don't want
19 you to look at the camera equipment.

20 A It's sitting on the top.

21 Q This table top right here that the box is sitting
22 on, that's a part of the top of what?

23 A The dresser.

24 Q Okay. And is that the dresser that you indicated
25 was -- had this box which had a condom in it?

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1 A Yes.

2 Q Showing you know Exhibit number 28, what is that a
3 photo of?

4 A Two computer -- well, I'm sorry, three computer
5 disks. One at the top has a label but nothing is written on
6 it. The one on the left has the word, I believe, book
7 written on it and one on the right says book 2, Dino Sacco,
8 1-201-792 and the number 7300 underneath and these are the
9 older three-and-a-half-inch diskettes.

10 Q From your experience these diskettes, are these the
11 kind of diskettes that would also be used in a computer?

12 A Yes, sir.

13 Q Putting on the screen Government Exhibit number 29,
14 what are we looking at in Government Exhibit 29?

15 A It's a photograph of two journals that were located
16 inside the storage unit and they're leaning up against that
17 foot locker.

18 Q These two journals, where were they found?

19 A I believe they were inside the foot locker.

20 Q Okay. Putting on the document camera, Exhibit
21 number 30, what are we looking at a photograph there of?

22 A That's the foot locker with the top opened up with
23 several magazines, pornography magazines, laying on top of.
24 From inside the locker to the left are the two, to the left
25 on the bottom are the two journals, to the right is a manila

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1 envelope. I can't make out the writing on that and below
2 that in front of the envelope are some other documents. All
3 from within unit 129.

4 MR. LOVRIC: Judge, if you want to take a
5 break.

6 THE COURT: Yeah. Let's take a quick break.

7 (Short break taken).

8 (Jury present).

9 THE COURT: All right, Mr. Lovric.

10 BY MR. LOVRIC:

11 Q Investigator Shultz, I'm putting next on the screen
12 here Government Exhibit number 31. What is that a picture
13 of?

14 A Photograph of a Polaroid camera with a flash.

15 Q Was that also found in that storage unit?

16 A Yes, it was.

17 Q Now, putting on the document camera here Government
18 Exhibit number 32 in evidence, what is that a picture of?

19 A It's a picture of a Sharp camcorder with a carrying
20 case above it. Both found within the storage unit number
21 129.

22 Q And then the last picture in this series,
23 Government Exhibit number 33. What is that a picture of?

24 A It's a photograph of an empty Trojan condom that's
25 been opened and the condom wrapper.

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1 Q Investigator Shultz, I'd like to hand you what I've
2 marked as Government Exhibit 34. Do you recognize what that
3 is?

4 A Yes, I do.

5 Q What is that?

6 A That's one of the journals that was in the
7 photograph that was located within the storage unit.

8 Q And is that the actual journal that was recovered
9 from the storage unit?

10 A Yes, it is.

11 Q Okay.

12 MR. LOVRIC: Your Honor, I would offer the
13 exhibit. I'm not going to ask to publish it with this
14 witness but I will be asking later to publish parts of that
15 exhibit.

16 MR. FISCHER: I do have an objection, your
17 Honor, based upon what's in it. Not the fact that it was
18 there.

19 THE COURT: Well, he's not offering to put
20 that in front of the jury now, right.

21 MR. LOVRIC: I'm going to seek when Agent
22 Lyons testifies, I'm going to seek to publish, have Agent
23 Lyons read certain parts of that journal at that time.

24 THE COURT: Okay. Before Agent Lyons is
25 allowed to read that, we will have an evidentiary hearing to

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1 decide how much, if any, of that he can read.

2 MR. FISCHER: Thank you.

3 THE COURT: Miss Peebles.

4 MISS PEEBLES: I have no objection, Judge.

5 THE COURT: With that admonition, the Court
6 will receive Government's 34 in evidence.

7 BY MR. LOVRIC:

8 Q One further question, Investigator Shultz.
9 Government's 34 in evidence, can you see these tabs?

10 A Yes, I can.

11 Q When you found the journal, were these tabs in the
12 journal?

13 A No, they were not.

14 Q Okay. Have you since become aware that these were
15 placed in there by Agent Lyons?

16 A Yes.

17 Q But they weren't there when you found the journal?

18 A Correct.

19 Q Investigator Shultz, showing you what I marked as
20 Government's Exhibit 35 I believe, do you recognize this
21 item?

22 A Yes. That's the Polaroid camera and flash that
23 were found in the storage unit.

24 MR. LOVRIC: Your Honor, I would offer
25 Government's Exhibit 35.

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1 MR. FISCHER: No objection, your Honor. Thank
2 you.

3 MISS PEEBLES: No objection.

4 THE COURT: Receive Government's 35 in
5 evidence.

6 Q Investigator Shultz, next I'm going to show you
7 what's marked as Government Exhibit number 36 I believe, if
8 you take a look at that. Do you recognize the bag and the
9 contents of that bag?

10 A Yes. That's the Sharp camcorder with the carrying
11 case and the instructions.

12 Q And was that entire item with the bag and the
13 camcorder and instructions found in that storage unit?

14 A Yes, it was.

15 MR. LOVRIC: I would offer Government's 36
16 into evidence.

17 MR. FISCHER: Again, your Honor, subject to
18 what objections I stated earlier, I have no objection in
19 particular.

20 THE COURT: Yeah. You're talking about
21 connecting up the item?

22 MR. FISCHER: Yes.

23 THE COURT: The Court will receive
24 Government's 36 subject to connection.

25 Q Investigator Shultz, I previously showed you

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1 Government Exhibit number 27, which was the photograph of
2 that condom in that envelope box. At some point was that
3 condom sent anywhere for testing?

4 A Yes. On March 14 I took it to the State Police
5 Southern Tier Crime Lab here in Port Crane, New York.

6 Q And then did that item at some point then go to the
7 New York State Lab in Albany?

8 A Yes.

9 Q And were there tests that were requested by
10 yourself and other investigators to be conducted on that
11 condom?

12 A Yes. To conduct an examination for the presence of
13 DNA or semen or sperm on the inside and outside of the
14 condom.

15 Q And were you at some point notified or made aware
16 by the lab of any DNA findings on that condom?

17 A Yes. On March 31 I was notified that there was
18 female Jane Doe DNA located on the inside or, I'm sorry, on
19 the outside of the condom and also the female DNA Jane Doe on
20 the inside, mixed with another, at least one other donor male
21 on the inside.

22 Q Okay. And that was on what date that you received
23 notification?

24 A March 31, 2008.

25 Q And then in connection with being notified of those

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1 results, did you on or about April 2 of 2008 take any
2 investigative steps?

3 A Yes. On April 2 I met with Shannon O'Connor and
4 obtained a DNA sample from her which consisted of -- it's
5 like a small tooth brush. It's just a stick with little
6 serrated edges on the edge of it and the donor scrapes the
7 inside of their cheek, about 15 to 20 times, and they're
8 provided with a second one. They do the other cheek 15, 20
9 times. We secure them in the box and I transported the box
10 containing those DNA samples directly to the lab in Albany to
11 our State Police lab.

12 Q And who's with you when you conducted this
13 gathering of DNA from Shannon in the way you described?

14 A Agent Lyons was.

15 Q If I can call them these swabs that you took from
16 Shannon's inside of her mouth, then where did you take these
17 swabs to?

18 A To the State Police Crime Lab in Albany that same
19 day, the 2.

20 Q Did you actually physically drive those there?

21 A Yes, we did.

22 Q Investigator Shultz, I'd next like to show you
23 three items marked as Government's Exhibits 37, 38, and 39.
24 Three photographs I'd like to show you. Investigator Shultz,
25 can you take a look at 37, 38, and 39 and just tell us

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1 generally what are they.

2 A These are photographs of the outside of 45 Fair
3 Street in the City of Norwich. Two of them depict just the
4 house and in the driveway. The third depicts behind the
5 house where there's two garages and a storage shed and
6 there's a half of an automobile that can be seen.

7 Q Were those items recovered from the course of the
8 search warrant?

9 A Yes. From the storage unit, yes, they were.

10 Q Do they actually show 45 Fair Street premises that
11 involves this case that we're talking about?

12 A Yes.

13 MR. LOVRIC: I would offer 37, 38, and 39 into
14 evidence.

15 MISS PEEBLES: No objection.

16 MR. FISCHER: No objection.

17 THE COURT: Okay. We'll receive Government's
18 37, 38, and 39 in evidence.

19 Q Investigator Shultz, putting on the screen
20 Government's Exhibit 37. Is that a picture of 45 Fair
21 Street?

22 A Yes, it is.

23 Q And this photo is found in that storage unit?

24 A Correct.

25 Q I'd like turn this picture sideways. Get the zoom

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1 to work. Can you see that imprint on that photo?

2 A Yes.

3 Q From there?

4 A Yes.

5 Q Okay. Would you like me to bring it up there or
6 can you tell?

7 A I can see parts of it but not very clearly.

8 Q Let me bring it up to you and see if you can read
9 those digits.

10 A Digits I read are 06 space 6 space 24.

11 Q Have you ever seen cameras that imprint the date on
12 the film?

13 A Yes, I have.

14 Q Looking at those numbers, would you be able to look
15 at that and tell what the 06 stands for?

16 A That would indicate to me 2006.

17 Q And the next number being 6?

18 A The month of June.

19 Q And the 24?

20 A Twenty-fourth day of June.

21 Q And then before I put it up on the screen, if you
22 can take a look at Exhibit 38 and just indicate whether that
23 has the same imprint numbers or different from the one you
24 just read?

25 A The same, 06/6/24.

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1 Q Okay. Just so the jury can see. I'm going to put
2 38, Exhibit 38 on the document camera we're looking at. Is
3 that also a picture of the front right to 45 Fair Street?

4 A Yes, it is.

5 Q And finally 39, Exhibit 39 on the screen now. What
6 does that depict? Which area of 45 Fair Street, approximate
7 area?

8 A It's behind the residence. It's still part of the
9 property but it's behind the main residence and it basically
10 consists of two garages and a storage shed in the middle with
11 a basketball hoop on it.

12 Q Okay. I'm going to point to that basketball hoop
13 you're referring to. Is that right here?

14 A Yes, it is.

15 Q Which is a little bit left of the center of the
16 photo and then right below that I'm pointing to now are the
17 structure, is that what you're referring to as the shed?

18 A Yes.

19 Q You see a red car there which is protruding from
20 outside of the garage I take it?

21 A Yes.

22 Q And then from the far right another set of garage-
23 type structure?

24 A Correct.

25 Q I'd like to show you what I've marked as Government

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1 Exhibit number 40 for identification.

2 MR. FISCHER: No objection, your Honor. May I
3 have a standing objection to all of these items, subject to
4 the prior objections, otherwise I have no objection.

5 THE COURT: All right. That's fine.

6 MR. FISCHER: We'll receive Government's 40
7 subject to the objections.

8 Q Investigator Shultz, I'll put it on the document
9 camera and ask you a few questions. Putting on the document
10 camera Exhibit 40 and its contents. Generally speaking, what
11 is this?

12 A It's an envelope with the name Dean Sacco and the
13 address of 522 Westside Ave, Jersey City, New Jersey 07304.

14 Q This was found in that storage unit?

15 A Yes.

16 Q And I'd like to take the contents out, putting the
17 first page of the first brochure, what is in this brochure
18 that we're looking at? What is it an advertisement for?

19 A My understanding was it's an advertisement for a
20 trip or a tour to Bangkok for some type of sexual encounter.

21 Q I'd like to put on the screen now the third page,
22 actually prices.

23 A Yes.

24 Q Far left. There's indications for Bangkok,
25 Philippines combo and then various prices depending upon what

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1 appears to be where you're flying from?

2 A Correct.

3 Q Then putting on the screen a page found in that
4 brochure depicting -- what is it depicting?

5 A A nude, what appears to me, to be a very young
6 female.

7 Q And then on the bottom can you read that?

8 A Yes.

9 Q Does it appear to be some web site web page?

10 A Yes.

11 Q Putting the fourth page of that brochure, picture
12 of what appears to be what?

13 A What appears to be a story about probably one who
14 went on the tour and then a photograph of -- I don't know if
15 it's the author of that story, and a half nude female.

16 Q Putting on the screen the final page of that
17 brochure, the bottom right. Fair to say it appears like
18 several women, two of which are engaged in an oral sex act?

19 A Correct.

20 Q I'm just going to put the envelope up. And that
21 was addressed to an address in Jersey City, New Jersey?

22 A Correct.

23 Q But it was found in Norwich, New York?

24 A Correct. In the storage unit.

25 Q I'd like to show you next, Investigator Shultz,

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1 what I've marked as Government's Exhibits 41 and 42 for
2 identification. If you can take a look at this, Investigator
3 Shultz, 41 and 42 and if you can just identify what is 41.

4 A Forty-one is a document regarding a month-by-month
5 rental agreement between Dean Sacco and Linda O'Connor for
6 the property at 45 Fair Street. The agreement is to begin on
7 August 1 of 2006 and it's like, I said, a month-by-month
8 agreement.

9 Q And was that also found in that storage unit?

10 A Yes.

11 Q And what is Government Exhibit 42?

12 A It's an envelope entitled Linda's lease. It's just
13 written on the outside of the envelope.

14 Q Is there anything on the inside of that envelope?

15 A Yes. On the inside is another lease agreement for
16 45 Fair Street, this went for January 1, 2007 between Dean
17 Sacco and Linda O'Connor.

18 MR. LOVRIC: I would offer 41 and 42 into
19 evidence.

20 MR. FISCHER: No objection.

21 MISS PEEBLES: No objection.

22 THE COURT: Receive Government's 41 and 42 in
23 evidence.

24 Q Putting on the screen, Investigator Shultz, just
25 for the jurors to look at, Exhibit 41 on the screen. Is that

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1 the month-to-month lease you were just referring to?

2 A Yes. The first one for 2006.

3 Q And what is the rent indicated for this lease,
4 lease on this document?

5 A \$600 a month.

6 Q And I'm flipping it over to the other side and it
7 appears to have two signatures bearing what names?

8 A Dean Michael Sacco and Linda O'Connor.

9 Q And on the top front of that document, it indicates
10 or the document states that it was made on what date?

11 A The agreement is on July 28, 2006.

12 Q And then Government Exhibit 42, the envelope that
13 you just referenced. I'm taking the item out of the
14 envelope. Is that the lease agreement that you just referred
15 to?

16 A Yes. The one beginning January 1 of 2007.

17 Q And then on the back portion, the middle of the
18 document that bears the names or is signatures of what
19 persons?

20 A Dean Michael Sacco and Linda O'Connor.

21 Q And this rent indicates would be in the amount of
22 how much?

23 A \$525 a month.

24 Q And that's different than the first lease of \$600?

25 A Correct.

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1 Q Those two leases were both found in that unit?

2 A Yes, they were.

3 Q Investigator Shultz, you indicated earlier that at
4 some point when you were there to conduct a search warrant of
5 that storage unit, that you also obtained some records or
6 documents from that Storage Center?

7 A Yes, I did.

8 Q I'd like to show you what I marked as Government's
9 Exhibit number 43.

10 MR. FISCHER: No objection, your Honor.

11 THE COURT: Okay. We'll receive Government's
12 43 in evidence.

13 Q Investigator Shultz, I'll just hold it up. Are
14 those the documents that you recovered from the Storage
15 Center office?

16 A Yes, they are.

17 Q Okay. Let me put this on the screen. What date or
18 not date -- when did you recover these documents or obtain
19 these documents from the Storage Center facility?

20 A I believe it was March 11.

21 Q Okay. And this was from the actual business?

22 A Yes. Yes, it was.

23 Q Did you talk to either the person that runs the
24 business or someone that works there about getting these
25 documents?

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1 A Yes. I spoke to Christine Barnes who's an employee
2 at the Storage Center.

3 Q Okay. And this document that I have now, which is
4 the eight and a half by eleven piece of paper in 43, it
5 indicates -- tell us what it indicates, what it shows, what
6 information?

7 A It's an agreement to rent storage unit 129. It's
8 made out in the name of Clesson Lockwood who resides on
9 Silver Street in Norwich for the amount of \$23 a month due
10 the 14th of each month for unit 129.

11 Q What is it dated, what date?

12 A June 14 of 2007.

13 Q And then you did you also obtain this card, index
14 card, which is stapled to the entire Exhibit 43?

15 A Yes, I did.

16 Q And what is that card?

17 A As it was explained to me, that's the handwritten
18 notes regarding who was currently renting storage unit 129,
19 their name and address, how much a month it is and then the
20 dates and how it appears, how each payment was paid.

21 Q And then on the back of that card, just like to
22 have you identify or read a couple of things. On the back of
23 this index card on the left-hand side here there are a number
24 of dates?

25 A Yes.

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1 Q And then towards the middle appear to be PD 23,
2 presumably saying paid 23?

3 A Yes.

4 Q And then there's a columns of number 102, 112, 121,
5 127.

6 A Yes.

7 Q And then the far right dates?

8 A Yes.

9 Q And what do these numbers represent if you know?

10 A My understanding is that the numbers reference a
11 check, a check number that was used had to pay for the
12 storage unit for that month.

13 Q In connection with working on this investigation,
14 did you and other investigators obtain bank records for an
15 Elizabeth Dinunzio?

16 A Yes.

17 Q I'd like to show you what I mark as Government's
18 Exhibit number 44.

19 MR. FISCHER: No objection.

20 THE COURT: Okay. We'll receive Government's
21 44 in evidence.

22 Q Investigator Shultz, I'll put it on the screen and
23 I'll ask you some questions. Okay. I put on the screen
24 Government's Exhibit 44 which consists of five pages. And on
25 page 1, what does page 1 show there?

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1 A It shows a copy of a check written from account
2 of -- the Bank of America account of Elizabeth Dinunzio of
3 Waterbury, Connecticut, paid to the order of Storage Center
4 for \$23 on November 26, 2007 and in the memo portion of the
5 bottom left is written unit number 129 and signed by
6 Elizabeth Dinunzio.

7 Q Going to page 2, what does that show?

8 A Same thing, except for different dates. This one
9 is December 14, 2007, check number 112, again to the Storage
10 Center, \$23 for 129.

11 Q And looking at the copy of what appears to be the
12 flip side of that check. Does it actually have the Storage
13 Center account and deposit only stamp on it?

14 A Yes, it does.

15 Q And page 3, is that a similar type of check simply
16 for the next consecutive month?

17 A Yes.

18 Q Same account, same person?

19 A Same account, same person. This is January 13, 08,
20 unit 121. This time in the bottom left corner is 129 and in
21 parentheses is C. Lockwood next to that number.

22 Q Fourth page.

23 A Again a copy of another check. This one is dated
24 February 17, 2008, check number 127 for the Storage Center,
25 again drawn from the same account of Elizabeth Dinunzio, \$23

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1 for number 129.

2 Q On the fifth page, that's for what month?

3 A Again, it's for March 13 of '08, check 135 to
4 Storage Center, \$23 for number 129, signed by Elizabeth
5 Dinunzio.

6 Q Okay. These five checks that we just saw in
7 Exhibit number 44 --

8 A Yes.

9 Q -- these are for that unit that you searched?

10 A Yes, they are.

11 Q The same unit where you found that used condom?

12 A Yes, they are.

13 Q And in the course of this investigation, did you
14 and other investigators determine who Elizabeth Dinunzio is?

15 A Yes. It's Dean Sacco's mother.

16 Q Did you actually also confirm that she does, in
17 fact, live in the State of Connecticut?

18 A Yes.

19 Q In connection with this investigation, Investigator
20 Shultz, did you also obtain from the Norwich School District
21 an attendance record for Shannon O'Connor?

22 A Yes, I did.

23 Q I'm going to show you Exhibit 45.

24 MR. FISCHER: No objection.

25 MR. LOVRIC: Your Honor, I'm going to offer 45

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1 into evidence.

2 MR. FISCHER: No objection.

3 MISS PEEBLES: No objection. I think it's the
4 same.

5 THE COURT: I'm sorry.

6 MISS PEEBLES: I believe it's the same as
7 exhibit -- as Defense number 4.

8 THE COURT: Okay. We'll make a note of that.
9 We'll receive Government's, 45 note it's the same as
10 Defendant's 4.

11 BY MR. LOVRIC:

12 Q Investigator Shultz, just putting that on the
13 screen, Exhibit 45. This is the record that you actually
14 obtained from the school district?

15 A Yes, it is.

16 Q Okay. Investigator Shultz, based on your knowledge
17 working in the area, do you -- do you recall or do you know
18 rather whether in June of 2006 there was actually a
19 large-scale flood in the general area and more specifically
20 also in the Deposit, New York area?

21 A Yes, I'm aware of that.

22 Q How are you aware of that personally or how do you
23 have that knowledge?

24 A Personally, I was a victim of the flood but also it
25 was flooding all over the place. My town was part of it.

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1 Broome County, Chenango County, Delaware County. Like you
2 said it was a large-scale flood, over the whole area.

3 Q Investigator Shultz, in connection with this case
4 did you also have the opportunity to obtain and do a property
5 search for 45 Fair Street in Norwich, New York?

6 A Yes, I did.

7 Q I'd like to show you what I marked as Government's
8 Exhibit number 46.

9 MR. LOVRIC: Just showing it to counsel.

10 MR. FISCHER: No objection.

11 MR. LOVRIC: I would offer 46 into evidence.

12 MR. FISCHER: No objection.

13 MISS PEEBLES: No objection.

14 THE COURT: Okay. We'll receive Government's
15 46 in evidence.

16 Q Investigator Shultz, putting Exhibit number 46 on
17 the document camera. Does the records and deeds search
18 indicate the purchase of 45 Fair Street?

19 A Yes, it does.

20 Q And in the right-hand column about a third of the
21 way down the page it indicates that this property was sold
22 and thereby purchased on or about what date?

23 A August 9 of 2005.

24 Q Okay. And it indicates that the purchaser or owner
25 to be is who?

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1 A Dean M. Sacco.

2 Q And the seller's name, is that also recorded in
3 this document?

4 A Yes. GDP LLC.

5 Q Are you familiar where -- if that's a realty type
6 business in the area or some type of a corporation?

7 A I can only assume that it's Gerald D. Parker only
8 because his name appears below and those are the initials
9 GDP, but I'm not aware of who he is.

10 MR. LOVRIC: Judge, my final topic with
11 Investigator Shultz deals with some records that I received
12 today and I gave counsel copies but I know they haven't had a
13 chance to look at it and if I would just be allowed to cover
14 that with him in the morning. He has to come back any way
15 for cross-examination.

16 THE COURT: I realize that.

17 MR. LOVRIC: If that would be all right with
18 the Court.

19 THE COURT: Fine with me. All right, ladies
20 and gentlemen. That will do it for today and tomorrow I have
21 a 9:30, do I not? Okay. We'll be starting once again at
22 10:00 and let me give you the same instructions that I always
23 give. Please don't the discuss the case among yourselves,
24 with anybody else or permit anyone to discuss it with you and
25 please having nothing to do with any media that's involved or

1 do any research on your own and have a nice evening.

2 (Court stands adjourned)

3 C E R T I F I C A T I O N

4
5
6 I, VICKY A. THELEMAN, RPR, CRR, United
7 States Court Reporter in and for the United States
8 District Court, Northern District of New York, do
9 hereby certify that I attended at the time and place
10 set forth in the heading hereof; that I did make a
11 stenographic record of the proceedings had in this
12 matter and cause the same to be transcribed; that
13 the foregoing is a true and correct copy of the same
14 and the whole thereof.

15
16
17 _____
18 VICKY A. THELEMAN, RPR, CRR
19 United States Court Reporter
20 US District Court - NDNY
21
22

23 Dated: August 8, 2008.
24
25